

# **ARKANSAS CODE OF 1987 ANNOTATED**



## **2011 SUPPLEMENT VOLUME 19A**

**Place in pocket of bound volume**

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# **TITLE 19**

## **PUBLIC FINANCE**

### **(CHAPTERS 6-12 IN VOLUME 19B)**

#### **CHAPTER.**

1. GENERAL PROVISIONS.
2. STATE REVENUES — RECEIPTS AND EXPENDITURES GENERALLY.
3. STATE TREASURY MANAGEMENT.
4. STATE ACCOUNTING AND BUDGETARY PROCEDURES.
5. REVENUE STABILIZATION LAW.

## **CHAPTER 1**

### **GENERAL PROVISIONS**

#### **SUBCHAPTER.**

2. FISCAL DUTIES OF DEPARTMENT OF FINANCE AND ADMINISTRATION.
5. INVESTMENT OF PUBLIC FUNDS.
7. FISCAL IMPACT STATEMENTS.

### **SUBCHAPTER 2 — FISCAL DUTIES OF DEPARTMENT OF FINANCE AND ADMINISTRATION**

#### **SECTION.**

19-1-205. Office.

#### **19-1-205. Office.**

The Arkansas Building Authority shall assign to the Department of Finance and Administration and divisions of the department suitable office space with the necessary conveniences for the transaction of the department's business and the safe-keeping of the department's records.

**History.** Acts 1955, No. 315, § 4; A.S.A. 1947, § 13-204; Acts 2009, No. 251, § 1.

**Amendments.** The 2009 amendment substituted "Arkansas Building Author-

ity" for "officer or board having custody of the public buildings," deleted "in the State Capitol Building" following "office space," and made minor stylistic changes.

### **SUBCHAPTER 5 — INVESTMENT OF PUBLIC FUNDS**

#### **SECTION.**

19-1-501. Eligible investment securities.  
19-1-502. Provisions supplemental.  
19-1-503. Construction.

#### **SECTION.**

19-1-504. Investments permitted.  
19-1-505. Additional authority of certain cities.

### **19-1-501. Eligible investment securities.**

As used in this subchapter, "eligible investment securities" means:

- (1) A direct or guaranteed obligation of the United States that is backed by the full faith and credit of the United States Government;
- (2) A direct obligation of an agency, instrumentality, or government-sponsored enterprise created by act of the United States Congress and authorized to issue securities or evidences of indebtedness, regardless of whether the securities or evidences of indebtedness are guaranteed for repayment by the United States Government; and

(3) A bond or other debt of the state, a school district, a county government, a municipal government, or an authority of a governmental entity that:

- (A) Is issued for an essential governmental purpose or is guaranteed by a state agency; and
- (B) Has a debt rating from a nationally recognized credit rating agency of "A" or better at the time of purchase.

**History.** Acts 1943, No. 273, § 2; 1973, No. 106, § 2; A.S.A. 1947, § 13-902; Acts 2011, No. 629, § 1.

**Amendments.** The 2011 amendment rewrote the section.

### **19-1-502. Provisions supplemental.**

This subchapter does not repeal any prior legislation or affect any statute pertaining to the conversion of funds of public officials and agencies into investments authorized under this subchapter but is supplemental to present law and confers additional powers.

**History.** Acts 1943, No. 273, § 3; A.S.A. 1947, § 13-903; Acts 2011, No. 629, § 1.

**Amendments.** The 2011 amendment rewrote the section.

### **19-1-503. Construction.**

(a) This subchapter does not affect the power of counties, municipalities, improvement districts, and other public bodies to make a deposit of funds in the form of a demand deposit, a savings deposit, or a time deposit as authorized by law.

(b) The adoption of this subchapter does not affect or impair the power of counties, municipalities, improvement districts, and other public bodies to make investments of funds in their possession or under their control as authorized by other laws.

**History.** Acts 1973, No. 106, § 3; A.S.A. 1947, § 13-904; Acts 2011, No. 629, § 1.

deposit, or a time deposit" for "certificates of deposit" in (a) and made stylistic changes.

**Amendments.** The 2011 amendment substituted "a demand deposit, a savings

**19-1-504. Investments permitted.**

(a)(1) With the approval of the county or municipal depository board, a treasurer may convert any funds in the treasurer's possession or under the treasurer's control and not presently needed for other purposes into one (1) or more of the following investments:

(A) Eligible investment securities having a maturity of not longer than five (5) years from the date of acquisition unless, as documented at the time of acquisition, the investment is to fund or support a specific purpose and there are no expectations that the investment will be sold before maturity;

(B) An Arkansas bank certificate of deposit or a certificate of deposit authorized under § 19-8-111;

(C) An account established by a local government joint investment trust authorized under the Local Government Joint Investment Trust Act, § 19-8-301 et seq.; or

(D) An Arkansas financial institution repurchase agreement for eligible investment securities in which the seller agrees to repurchase the investment at a price including interest earned during the holding period as determined by the repurchase agreement.

(2) The following entities may convert funds that are in the possession of the entity or under the control of the entity and that are not presently needed for other purposes into an investment listed in subdivision (a)(1) of this section:

(A) A county board or commission;

(B) A municipal board or commission, including without limitation a board of trustees of a policemen's pension and relief fund, a board of trustees of a firemen's relief and pension fund, a waterworks commission, and a sewer committee; and

(C) A drainage district, levee district, and improvement district, including without limitation a waterworks district, electric light district, municipal improvement district, and suburban improvement district.

(3) This subsection does not apply to funds of a school district.

(b)(1) Unless otherwise provided by a signed written agreement between the school district or districts and the county treasurer, funds of a school district shall be invested by the:

(A) School district treasurer when the school district has a treasurer; or

(B) County treasurer when the school district does not have a treasurer.

(2) To the extent directed by the board of directors of the school district, investments shall be in:

(A) General obligation bonds of the United States;

(B) Bonds, notes, debentures, or other obligations issued by an agency of the United States Government;

(C) General obligation bonds of the state; or

(D) Bank certificates of deposit.

(c) A school district may invest moneys held for the repayment of a federally recognized qualified zone academy bond under 26 U.S.C. § 1397E, as it existed on January 1, 2005, in a guaranteed investment contract or forward delivery agreement in which the school district is guaranteed a certain rate of interest on its investment if the guaranteed investment contract or the forward delivery agreement is entered into between the school district and the purchaser of the qualified zone academy bond.

(d) A treasurer or other custodian of public funds who is authorized to purchase and hold eligible investment securities may use a brokerage account to acquire, sell, and hold the investment if the investment is established with a broker-dealer that:

- (1) Has offices in the state;
- (2) Is registered with the State Securities Department;
- (3) Is a member of the Financial Industry Regulatory Authority; and
- (4) Is a member of the Securities Investor Protection Corporation.

(e) Unless restrictions are established by the donor, a private donation to a city of the first class, a city of the second class, or an incorporated town may be invested in accordance with the prudent investor rule established under § 28-71-105.

**History.** Acts 1943, No. 273, § 1; 1973, No. 106, § 1; A.S.A. 1947, § 13-901; Acts 1995, No. 402, § 1; 1997, No. 800, § 1; 2005, No. 2205, § 1; 2009, No. 251, § 2; 2011, No. 629, § 1.

**Amendments.** The 2009 amendment

substituted “1397E, as it existed on January 1, 2005” for “1379E” in (c).

The 2011 amendment rewrote (a); substituted “state” for “State of Arkansas” in (b)(2)(C); and added (d) and (e).

## **19-1-505. Additional authority of certain cities.**

(a)(1) A city that has real property assessed valuation in excess of three hundred million dollars (\$300,000,000) may invest the city’s funds in securities under § 23-47-401 and according to the investment policy adopted by the governing body of the city.

(2) The investment policy adopted by the city’s governing body may authorize a maturity term exceeding the term stated in § 19-1-504(a)(1)(A).

(b)(1) Each investment shall be made with the judgment and care under prevailing circumstances that a person of prudence, discretion, and intelligence would exercise in the management of the person’s own affairs, not for speculation but for investment, considering the probable safety of the capital and the probable income to be derived.

(2) Investment of funds shall be governed by the following investment objectives in order of priority:

- (A) Preservation and safety of the principal;
- (B) Liquidity; and
- (C) Yield.

(c) In determining whether an investment officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

(1) The investment of city funds and funds under the officer's control and over which the officer had responsibility, rather than a consideration as to the prudence of a single investment; and

(2) Whether the investment decision is consistent with the written investment policy of the city.

**History.** Acts 2011, No. 629, § 1.

## SUBCHAPTER 7 — FISCAL IMPACT STATEMENTS

### SECTION.

19-1-701. Definition.

19-1-703. Required for bills.

### 19-1-701. Definition.

(a) As used in this subchapter, "fiscal impact statement" means a realistic statement of the purpose of a proposed law, or a regulation promulgated under a law, and the estimated financial cost to the state or any local school district of implementing or complying with the proposed law or regulation.

(b) A fiscal impact statement shall be developed with the guidance of the Office of Economic and Tax Policy of the Bureau of Legislative Research and with the approval of the Department of Education.

**History.** Acts 1995, No. 1253, § 1; 2009, No. 251, § 3; 2011, No. 856, § 1.

The 2011 amendment inserted "Office of Economic and Tax Policy of the" in (b).

**Amendments.** The 2009 amendment deleted "Office of Economic and Tax Policy of the" preceding "Bureau" in (b).

### 19-1-703. Required for bills.

(a) Any bill filed in the House of Representatives or Senate that will impose a new or increased cost obligation for education on the state or any local school district shall have a fiscal impact statement attached to it, prepared by the author of the bill and filed with the chair of the committee to which the bill is referred:

(1) At least seven (7) days before the bill may be called up for final action in the committee during a regular session of the General Assembly;

(2) At least seven (7) days before the bill may be called up for final action in the committee during a fiscal session; and

(3) At least one (1) day before the bill may be called up for final action in the committee during a special session.

(b) If the author of any House or Senate bill affected by this section shall fail to comply with subsection (a) of this section, any member of the House of Representatives or Senate committee to which the bill is referred may object and thereby prevent its being called up for final action in the committee until a fiscal impact statement is made

available. An affirmative vote of two-thirds (2/3) of a quorum present and voting shall override such objection.

(c)(1)(A) If any such House or Senate bill is called up for final passage in the House of Representatives or Senate and a fiscal impact statement has not been provided by the author of the bill, or by the committee to which the bill was referred, any member of the House of Representatives or Senate may object to the bill's being called up for final passage until a fiscal impact statement is prepared and made available on the desk of each member of the House of Representatives or Senate at least one (1) day prior to the bill's being called up for final passage.

(B) An affirmative vote of two-thirds (2/3) of a quorum present and voting shall override such objection.

(2) If an objection is made without override, the presiding officer of the House of Representatives or Senate shall cause the bill to be referred to the Office of Economic and Tax Policy of the Bureau of Legislative Research for the preparation of a fiscal impact statement, which shall be filed with the presiding officer not later than five (5) days from the date of the request.

(d) Failure of the author of a bill to provide the fiscal impact statement required in this section shall not prohibit consideration of the bill in the committee to which it is referred or on the floor of the house in which the bill is called up for final passage, if no objection to it is made at the time such action is taken.

**History.** Acts 1995, No. 1253, § 3; the following subdivision as (a)(3); deleted 2009, No. 962, § 37.

**Amendments.** The 2009 amendment inserted present (a)(2) and redesignated (a)(3); and made related changes.

## CHAPTER 2

### STATE REVENUES — RECEIPTS AND EXPENDITURES GENERALLY

#### SUBCHAPTER

##### 5. CANCELED CHECKS.

#### SUBCHAPTER 5 — CANCELED CHECKS

##### SECTION.

19-2-508. [Repealed.]

**19-2-508. [Repealed.]**

**Publisher's Notes.** This section, concerning compliance, was repealed by Acts 2009, No. 251, § 4. The section was derived from Acts 1999, No. 648, § 8.

## CHAPTER 3

### STATE TREASURY MANAGEMENT

**SUBCHAPTER.****5. STATE TREASURY MANAGEMENT LAW.****SUBCHAPTER 5 — STATE TREASURY MANAGEMENT LAW****SECTION.**

19-3-510. Types of accounts for deposits.

19-3-518. Investments in securities and  
bank certificates of de-  
posit.

**SECTION.**

19-3-521. Securities Reserve Fund.

**19-3-510. Types of accounts for deposits.**

(a) All State Treasury funds deposited in depository institutions shall be credited to accounts in the name of the Treasurer of State. All accounts which the Treasurer of State shall establish in any or all depository institutions may be determined by the Treasurer of State as either demand deposit accounts, certificates of deposit, or other accounts as deemed necessary.

(b) The certificate of deposit account in each such depository shall consist of state funds as deposited under the State Treasury Certificate of Deposit Investment Program and trust funds deposited for various trust funds.

(c) The demand deposit account in each such depository shall be of such amount subject to § 19-3-509 as determined by the Treasurer of State and shall consist of:

(1) All federal funds, as described in § 19-7-101 et seq.;

(2) Trust funds to the extent that such funds are not invested in securities and certificates of deposit; and

(3) State funds to the extent that such funds are not invested in securities.

(d) No treasury funds may be deposited in any depository except under the terms of a written agreement entered into between the Treasurer of State and the depository, the essential elements of which agreement shall be conformable to, or not inconsistent with, applicable state and federal law and regulations promulgated thereunder.

**History.** Acts 1997, No. 847, § 1; 2009, No. 251, § 5. substituted “described” for “defined” in (c)(1).

**Amendments.** The 2009 amendment

**19-3-518. Investments in securities and bank certificates of deposit.**

(a)(1) **TRUST FUNDS.** In addition to securities of the character eligible under the laws of this state for the investment of the several trust funds on the records of the Treasurer of State, certificates of deposit of banks

and savings and loan associations shall be eligible for the investment of such funds.

(2)(A) The administrators of each state retirement system and of other trust accounts shall, from time to time, review the flow of moneys through the trust fund in the State Treasury over which that administrator shall have control, all for the purpose of estimating the amounts of such moneys as may be surplus to the immediate requirements of such account as provided for by law.

(B)(i)(a) After taking into consideration any proposal for the immediate investment of such funds in securities, and to the extent of the amount of any estimated surplus which shall exist, the administrator shall certify to the Treasurer of State the amount thereof and the period of time during which such amount shall not be required.

(b) The Treasurer of State shall invest the amount so certified in certificates of deposit issued by eligible banks and savings and loan associations.

(c) If the Treasurer of State is unable to place the certified amount in certificates of deposit, then the remainder may be placed in securities with the administrator's approval.

(ii) Moneys required for each such purchase shall be withdrawn from the Cash Account and paid over to the institution issuing the certificate, and the principal amount of the certificate shall be credited to the Trust Deposit Account.

(iii) The certificates of deposit shall be secured to such extent and in such manner as may be provided by law and otherwise as the Treasurer of State shall require.

(iv)(a) Interest on such bank certificates of deposit shall be paid at such rates as the Treasurer of State shall prescribe.

(b) All interest income derived from the certificates of deposit or other investments shall be credited as trust fund income to the account of the trust fund used in making such purchase.

(3) At all times, the Securities Reserve Fund shall be maintained on demand deposit in depository banks, and nothing contained in this subsection shall be applicable to such fund.

(b)(1)(A) STATE FUNDS. The State Board of Finance may direct that a portion of state funds be invested in certificates of deposit in the State Treasury Certificate of Deposit Investment Program as provided in § 19-3-519.

(B) The remaining portion may be invested in certificates of deposit, in securities as outlined in § 23-47-401 without limitation or as approved in the Treasurer of State's investment policy, and in obligations of corporations organized under the provisions of the Arkansas Development Finance Corporation Act, § 15-4-901 et seq., and issued under the Arkansas Development Finance Corporation Act, § 15-4-901 et seq., to the extent of forty-eight million dollars (\$48,000,000), according to the guidelines established in the Treasurer of State's investment policy as approved by the board.

(2)(A) Moneys required for each such purchase shall be withdrawn from the Cash Account and paid over to the seller of the securities,

and the cost of the securities shall be credited to the Securities Account.

(B) The proceeds of the sale or redemption of securities at any time withdrawn from the Securities Account shall be deposited in the Cash Account in the State Treasury.

(C)(i) In all purchases, sales, and redemptions of securities, as provided in this subsection, discounts and premiums shall be credited or charged, as the case may be, to the Securities Reserve Fund.

(ii) All such discounts and premiums which are increments and all interest received on securities at any time held in the Securities Account shall be classified as trust fund income and credited to the Securities Reserve Fund by the Treasurer of State.

(3)(A) All purchases and sales by the Treasurer of State may be in the open market upon receipt of not less than two (2) quotation bids, or as defined in the Treasurer of State's investment policy as approved by the board.

(B)(i) However, the board may subscribe for any such obligations which are offered by the United States Department of the Treasury.

(ii) Any such obligations at any time held by the board may be exchanged for other such obligations in instances where an exchange privilege has been extended by the United States Department of the Treasury.

(4)(A) All obligations of any corporation organized under the Arkansas Development Finance Corporation Act, § 15-4-901 et seq., purchased as authorized in this section shall bear a maturity date not to exceed ten (10) years and shall be purchased at par pursuant to an annual commitment to the corporation under such conditions as may be determined by the board.

(B) Prior to the purchase of any obligations by the corporation, there shall be furnished to the board, without cost to it, the opinion of legal counsel acceptable to the board approving the validity of the issue and reciting that, in the opinion of the counsel, the obligations to be purchased by the board are the duly authorized, legally binding obligations of the corporation and specifying the security therefor as to which any lien or pledge has been created.

(5)(A) All or any part of the bonds of local industrial development corporations, authorized and issued under the provisions of the Arkansas Industrial Development Act, § 15-4-101 et seq., and all or any part of the bonds of municipalities and counties, authorized and issued under the provisions of the Municipalities and Counties Industrial Development Revenue Bond Law, § 14-164-201 et seq., and all or any part of the obligations of development finance corporations authorized and issued under the provisions of the Arkansas Development Finance Corporation Act, § 15-4-901 et seq., at any time held in the Securities Account in the State Treasury, may be sold by the board at public sale or at private sale, as the board shall determine.

(B) However, in any private sale, the sales price of the bonds or obligations shall not be less than the amount paid therefor.

(6) The board provides ministerial authority to the Treasurer of State to take whatever action becomes necessary in regard to securities held in the Securities Account to provide the requisite amount of cash necessary in demand deposit accounts to carry out the business of the state or to correct any miscalculations which have arisen.

(7)(A) No purchase, exchange, or receipt of obligations by the board shall ever be construed as a cancellation of the obligations so purchased, exchanged, or received.

(B) All such obligations shall be held in trust for the use and benefit of the various state funds used in such purchases, this trust being subject only to the right of the board to sell or exchange such obligations whenever, in its opinion, the best interest of the state may be served.

(8)(A) The board shall meet as called to evaluate, discuss, review, and authorize the deposit and investment of State Treasury funds to be made during the period before the next meeting of the board.

(B) The deposit and investment of such funds and the purchase and sale of permissible securities may be made at any time by the Treasurer of State under the guidelines in the Treasurer of State's investment policy reviewed and approved by the board.

(9)(A) In order to increase investment income with minimal risk, the Treasurer of State may loan securities held in the Securities Account, but only if, at the time the loan is executed, at least one hundred two percent (102%) of the full market value of the security loaned is collateralized by cash or securities guaranteed by the United States Government or an agency of the United States Government.

(B) At all times during the term of the loan, the collateral shall be equal to not less than one hundred percent (100%) of the full market value calculated on the total value of all securities on loan.

(C) For purposes of this section, the value of the collateral shall be determined on a daily basis.

(c)(1) FEDERAL FUNDS. The board may invest federal funds, as described in § 19-7-101 et seq., the same as state funds that are authorized by subsection (b) of this section.

(2) The proceeds of the investments of federal funds shall be used for the same purpose as that authorized for other moneys accruing to the benefit of the Securities Reserve Fund as authorized by § 19-3-521.

(d)(1) INTEREST-BEARING FUNDS. The board may invest funds deposited in the State Treasury by state agencies, boards, and commissions that were previously held as cash funds in financial institutions other than the State Treasury in order to enhance investment opportunities and earnings.

(2) The board may invest interest-bearing funds the same as state funds are authorized in subsection (b) of this section.

(3) The interest earned on these investments shall be credited back to the fund.

(4) On the first day of business of the month, the Treasurer of State shall compute the average daily balance of this fund, including all

internal accounts and funds, during the preceding month and shall transfer on that day to the participants of the fund interest on the average daily balance to be computed at a rate equivalent to the average rate of interest earned on all State Treasury funds invested in fixed-income securities and in money market accounts during the preceding month less its proportionate share of any assessments for the expenses of administration.

**History.** Acts 1997, No. 847, § 1; 2001, No. 1453, § 25; 2005, No. 873, § 1; 2009, No. 251, § 6.

**Amendments.** The 2009 amendment substituted "described in" for "defined by" in (c)(1).

### 19-3-521. Securities Reserve Fund.

(a)(1) In addition to the several purposes for which the Securities Reserve Fund may be used, as provided in this subchapter, the fund shall be used to absorb any losses in:

(A) Relation to securities at any time held in the Securities Account in the State Treasury; and

(B) The Treasurer of State's account in bank depositories;

(2) The balance in the Securities Reserve Fund shall always be available for such purposes. However, moneys in the Securities Reserve Fund in excess of one hundred thousand dollars (\$100,000) shall be available at all times to the Chief Fiscal Officer of the State for transfer to the Budget Stabilization Trust Fund, there to be used as provided by law.

(b)(1) If any loss is sustained in relation to securities held at any time in the Securities Account or in the Treasurer of State's account in any bank depository and the credit balance in the Securities Reserve Fund is insufficient to absorb the loss, the Chief Fiscal Officer of the State shall transfer moneys from the Budget Stabilization Trust Fund to the Securities Reserve Fund of an amount that, when added to the credit balance in the Securities Reserve Fund, equals the amount of any loss.

(2) It is the explicit intent of the General Assembly that no loss shall be sustained by any account, the funds of which were used in making such investments and deposits.

(c) On a quarterly basis, interest earned on federal funds received under the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. § 6701 et seq., shall be transferred at the direction of the Chief Fiscal Officer of the State from the Securities Reserve Fund to the federal funds established for the purpose of holding these moneys in trust. Interest to be transferred shall be a pro rata share of total earned interest based on the proportion of the average daily balances of the total federal funds established for the purpose of holding the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. § 6701 et seq., moneys in trust to the average daily balances of all State Treasury investments.

**History.** Acts 1997, No. 847, § 1; 2009, No. 251, §§ 7, 8.

substituted "Budget Stabilization Trust Fund" for "State Budget Revolving Fund" in (a)(2) and (b)(1); in (a)(2), substituted

**Amendments.** The 2009 amendment

"the Securities Reserve Fund" for "that fund" in the second sentence; redesignated fund" in the first sentence and for "this (b); and made minor stylistic changes.

## CHAPTER 4

# STATE ACCOUNTING AND BUDGETARY PROCEDURES

### SUBCHAPTER.

1. GENERAL PROVISIONS.
2. DUTIES AND RESPONSIBILITIES GENERALLY.
3. CHIEF FISCAL OFFICER OF THE STATE.
4. AUDITOR OF STATE AND TREASURER OF STATE.
6. ANNUAL OPERATIONS PLANS OF STATE AGENCIES.
8. EXPENDITURE OF CASH FUNDS.
9. TRAVEL REGULATIONS.
10. OIL COMPANY CREDIT CARDS.
13. MONITORING FOR DEFICIT SPENDING.
14. CONSTRUCTION OF BUILDINGS AND FACILITIES.
16. SALARIES AND PAYROLL DISBURSEMENT.

### SUBCHAPTER 1 — GENERAL PROVISIONS

#### SECTION.

19-4-106. Legislative staff consultation.

#### **19-4-106. Legislative staff consultation.**

The Department of Finance and Administration shall consult with the Legislative Auditor and the director of the budget function of the Bureau of Legislative Research throughout each stage of planning and implementation for any new statewide accounting system. This required consultation and involvement is to ensure that those capabilities to provide the required services to members and committees of the General Assembly are incorporated into the system.

**History.** Acts 1999, No. 973, § 2.

### SUBCHAPTER 2 — DUTIES AND RESPONSIBILITIES GENERALLY

#### SECTION.

19-4-201. Authority of Governor.

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**Effective Dates.** Acts 2009, Nos. 605 and 606, § 27: Mar. 25, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the people of the State of Arkansas overwhelmingly approved the establishment of lotteries at the 2008 General Election; that lotteries will provide funding for scholarships to the citizens of this state; that the failure to immediately implement this act will

cause a reduction in lottery proceeds that will harm the educational and economic success of potential students eligible to receive scholarships under the act; and that the state lotteries should be implemented as soon as possible to effectuate the will of the citizens of this state and implement lottery-funded scholarships as soon as possible. Therefore, an emergency is declared to exist and this act being immediately necessary for the preserva-

tion of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of

time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

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### 19-4-201. Authority of Governor.

(a) The Governor shall direct the execution of the state budget as approved by the General Assembly. The Governor or Governor-elect shall:

- (1) Review the budget requests and estimates of resources;
- (2) Evaluate long-range programs and consider possible alternatives to existing state agency programs, policies, and goals; and
- (3) Formulate and recommend for consideration by the Legislative Council and the General Assembly a proposed comprehensive state budget of programs and proposed financing which shall include all estimated receipts and expenditures of the state government.

(b)(1) Proposed expenditures shall not exceed estimated available resources. Should the Governor or Governor-elect propose increased taxes in order to finance all proposed programs, two (2) sets of budgets must be submitted to the Legislative Council and the General Assembly, one (1) set based on the resources available from the then-existing tax laws and another showing the additional expenditures proposed to be financed from recommended tax increases.

(2) Budget requests for administration and operation of the legislative branch, the judicial branch, the elective constitutional offices, the Arkansas State Highway and Transportation Department, the Arkansas Lottery Commission, and the Arkansas State Game and Fish Commission shall be submitted directly to the Legislative Council without any recommendation by the Governor.

(c) In order to carry out the provisions of this section, the Governor or Governor-elect shall:

(1) Have the power, and it shall be his or her duty, to provide for hearings, if required, with the administrative head or any other persons having knowledge thereof, of any agency submitting a budget request in order for him or her to make his or her determinations and recommendations; and

(2) Appear or appoint a designated representative to appear before the General Assembly or any committees or interim committees thereof to present his or her recommendations for the forthcoming budgetary period.

**History.** Acts 1973, No. 876, § 3; A.S.A. 1947, § 13-329; Acts 2009, No. 605, § 14; 2009, No. 606, § 14.

**Amendments.** The 2009 amendment

by identical acts Nos. 605 and 606 inserted "the Arkansas Lottery Commission" in (b)(2), and made a related change.

**SUBCHAPTER 3 — CHIEF FISCAL OFFICER OF THE STATE****SECTION.**

19-4-304. Regular and fiscal session preparations.

**19-4-304. Regular and fiscal session preparations.**

(a) Immediately after July 1 of each even-numbered calendar year, or earlier if determined necessary, the Director of the Department of Finance and Administration shall:

(1) Issue budget information forms, budget estimating instructions, and a budget calendar which has been approved by the Legislative Council, plus a budget policy letter from the Governor containing some or all of the following:

(A) Establishing maximum limitations on expenditures for the year in which estimates are being requested;

(B) Setting out the policies which will determine the Governor's priorities in the allocation of available resources;

(C) Outlining the effects of economic changes pertaining to price levels, population changes, and pending federal legislation; and

(D) Containing a review of current fiscal conditions and a prognostication of fiscal conditions for the future;

(2)(A) Visit and inspect the properties and facilities of any or all state agencies and request the administrative head or any employee of the agency to appear before him or her to explain any matters concerning the budgetary and program requirements of the agency.

(B) If any agency fails or refuses to furnish any information with respect to budget estimates or program formulation, as and when it shall be requested by the Chief Fiscal Officer of the State, then he or she shall have the authority to prepare and submit his or her own recommendations as to the budgetary or program requirements of the agency;

(3) Assist agencies in the preparation of their budget proposals. This assistance may include:

(A) Technical assistance;

(B) Organization of materials;

(C) Centrally collected accounting, budgeting, personnel, and purchasing information standards and guidelines;

(D) Population and other required data; and

(E) Any other assistance that will help the agencies produce the information necessary for efficient agency management and decision making by the General Assembly and the Governor or the Governor-elect;

(4) Analyze the budget estimates to evaluate and assess the priority and accuracy of agency requests in relation to policy and program objectives and the financial condition of the state and make recommen-

dations for modifications and revision of the budget request if, in their opinion, the facts before them would justify such proposed revisions. The Chief Fiscal Officer of the State in making recommended changes shall not alter the original request unless requested to do so by the administrative head of the agency affected but shall report the original request, together with his or her own recommendations and the reasons therefor, to the Governor, so that all agency budget estimates may be made available to the Governor or Governor-elect, the Legislative Council, and the General Assembly for their consideration;

(5) Prepare an estimate of the general and special revenues for the next fiscal year, along with comparative data for the then-current fiscal year and past fiscal year; and

(6) Submit the budget studies, together with his or her recommendations, to the Legislative Council and to the Governor or Governor-elect for such further recommendations as the Governor or Governor-elect may care to make.

(b) The director shall submit the annual revenue forecast to the Legislative Council:

(1) By December 1 of the year preceding a fiscal session; and

(2) No later than sixty (60) days before the start of a regular session.

**History.** Acts 1973, No. 876, § 6; A.S.A. 1947, § 13-332; Acts 2009, No. 962, § 38.

**Amendments.** The 2009 amendment substituted "Regular and fiscal session" for "Biennial" in the section heading;

added the subsection (a) designation; substituted "year" for "biennial" in (a)(1)(A); substituted "fiscal year" for "biennial period" in (a)(5); and added (b).

## SUBCHAPTER 4 — AUDITOR OF STATE AND TREASURER OF STATE

### SECTION.

#### 19-4-406. Storage of warrants.

##### 19-4-406. Storage of warrants.

(a)(1) The Auditor of State shall place all redeemed warrants in a secure place or vault in the Auditor of State's office, subject to the inspection by any interested citizen.

(2)(A) Except as provided in subdivision (a)(2)(B) of this section, the Auditor of State shall keep a warrant intact and without further alteration for a period of one (1) year from the close of the fiscal year in which the warrant was issued.

(B)(i) If the Auditor of State makes an electronic copy of the warrant, the original warrant shall be kept for three (3) months.

(ii) The electronic copy of the warrant shall be maintained for a period of ten (10) years from the close of the fiscal year in which the warrant was issued.

(b) If the Legislative Auditor or the State Historian requests retention of an original warrant or the electronic copy of a warrant in excess of the time periods provided under subsection (a) of this section, the

warrant shall be retained by the Auditor of State for such period of time as required by the Legislative Auditor or the State Historian.

(c) If federal law or regulations require the retention of certain warrants for a period longer than the period prescribed in this section, warrants shall be retained for the period prescribed by the federal law or regulations.

**History.** Acts 1973, No. 876, § 27; 1983, No. 305, § 1; A.S.A. 1947, § 13-353; Acts 2007, No. 269, § 1; 2009, No. 251, § 9.

**Amendments.** The 2009 amendment,

in (b), substituted "or the" for "and" preceding "State Historian" in two places, substituted "the warrant" for "the warrants and vouchers," and made a related change.

## SUBCHAPTER 5 — FINANCIAL MANAGEMENT SYSTEM

### 19-4-522. Maintenance and general operation.

**A.C.R.C. Notes.** Acts 2011, No. 922, § 5, provided: "TRANSFERS OF APPROPRIATION. In the event the amount of any of the budget classifications of maintenance and general operation in this act are found by the administrative head of the agency to be inadequate, then the agency head may request, upon forms provided for such purpose by the Chief Fiscal Officer of the State, a modification of the amounts of the budget classification. In that event, he shall set out on the forms the particular classifications for which he is requesting an increase or decrease, the amounts thereof, and his reasons therefor. In no event shall the total amount of the budget exceed either the amount of the appropriation or the amount of the funds available, nor shall any transfer be made from the capital outlay or data processing subclassifications unless specific authority for such transfers is provided by law, except for transfers from capital outlay to data processing when determined by the Department of Information Systems that data processing services for a state agency can be performed on a more cost-efficient basis by the Department of Information Systems than through the purchase of data processing equipment by that state agency. In considering the proposed modification as prepared and submitted by each state agency, the Chief Fiscal Officer of the State shall make such studies as he deems necessary. The Chief Fiscal Officer of the State shall, after obtaining the approval of the Legislative Council, ap-

prove the requested transfer if in his opinion it is in the best interest of the state.

"The General Assembly has determined that the agency in this act could be operated more efficiently if some flexibility is given to that agency and that flexibility is being accomplished by providing authority to transfer between certain items of appropriation made by this act. Since the General Assembly has granted the agency broad powers under the transfer of appropriations, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the transfers by requiring prior approval of the Legislative Council in the utilization of the transfer authority. Therefore, the requirement of approval by the Legislative Council is not a severable part of this section. If the requirement of approval by the Legislative Council is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

"The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012."

Acts 2011, No. 950, § 5, provided: "TRANSFERS OF APPROPRIATIONS. In the event the amount of any of the budget classifications of maintenance and general operation in this act are found by the administrative head of the agency to be inadequate, then the agency head may request, upon forms provided for such purpose by the Chief Fiscal Officer of the State, a modification of the amounts of the budget classification. In that event, he shall set out on the forms the particular

classifications for which he is requesting an increase or decrease, the amounts thereof, and his reasons therefor. In no event shall the total amount of the budget exceed either the amount of the appropriation or the amount of the funds available, nor shall any transfer be made from the capital outlay or data processing sub-classifications unless specific authority for such transfers is provided by law, except for transfers from capital outlay to data processing when determined by the Department of Information Systems that data processing services for a state agency can be performed on a more cost-efficient basis by the Department of Information Systems than through the purchase of data processing equipment by that state agency. In considering the proposed modification as prepared and submitted by each state agency, the Chief Fiscal Officer of the State shall make such studies as he deems necessary. The Chief Fiscal Officer of the State shall, after obtaining the approval of the Legislative Council, approve the requested transfer if in his opinion it is in the best interest of the state.

"The General Assembly has determined that the agency in this act could be operated more efficiently if some flexibility is given to that agency and that flexibility is being accomplished by providing authority to transfer between certain items of appropriation made by this act. Since the General Assembly has granted the agency broad powers under the transfer of appropriations, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the transfers by requiring prior approval of the Legislative Council in the utilization of the transfer authority. Therefore, the requirement of approval by the Legislative Council is not a severable part of this section. If the requirement of approval by the Legislative Council is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

"The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012."

Acts 2011, No. 951, § 10, provided: "TRANSFERS OF APPROPRIATIONS. In the event the amount of any of the budget classifications of maintenance and general operation in this act are found by the administrative head of the agency to be inadequate, then the agency head may

request, upon forms provided for such purpose by the Chief Fiscal Officer of the State, a modification of the amounts of the budget classification. In that event, he shall set out on the forms the particular classifications for which he is requesting an increase or decrease, the amounts thereof, and his reasons therefor. In no event shall the total amount of the budget exceed either the amount of the appropriation or the amount of the funds available, nor shall any transfer be made from the capital outlay or data processing sub-classifications unless specific authority for such transfers is provided by law, except for transfers from capital outlay to data processing when determined by the Department of Information Systems that data processing services for a state agency can be performed on a more cost-efficient basis by the Department of Information Systems than through the purchase of data processing equipment by that state agency. In considering the proposed modification as prepared and submitted by each state agency, the Chief Fiscal Officer of the State shall make such studies as he deems necessary. The Chief Fiscal Officer of the State shall, after obtaining the approval of the Legislative Council, approve the requested transfer if in his opinion it is in the best interest of the state.

"Upon determination by the Director of the Department of Human Services that a Reallocation of Resources is necessary for the effective operation of the Medicaid Expansion Program Grants, the director, with the approval of the Governor, shall have the authority to request from the Chief Fiscal Officer of the State a transfer of Appropriation. This transfer authority applies only to Section 5 Medicaid Expansion Program Grants of this Act between Hospital and Medical Services Item (01) and Prescription Drugs Item (02). The limitation restrictions applicable to the Department Reallocation of Resources authority applies to this section.

"The General Assembly has determined that the agency in this act could be operated more efficiently if some flexibility is given to that agency and that flexibility is being accomplished by providing authority to transfer between certain items of appropriation made by this act. Since the General Assembly has granted the agency broad powers under the transfer of appropriations, it is both necessary and appro-

priate that the General Assembly maintain oversight of the utilization of the transfers by requiring prior approval of the Legislative Council in the utilization of the transfer authority. Therefore, the requirement of approval by the Legislative Council is not a severable part of this section. If the requirement of approval by the Legislative Council is ruled unconstitutional by a court jurisdiction, this entire section is void."

Acts 2011, No. 1059, § 5, provided: "TRANSFERS OF APPROPRIATIONS. In the event the amount of any of the budget classifications of maintenance and general operation in this act are found by the administrative head of the agency to be inadequate, then the agency head may request, upon forms provided for such purpose by the Chief Fiscal Officer of the State, a modification of the amounts of the budget classification. In that event, he shall set out on the forms the particular classifications for which he is requesting an increase or decrease, the amounts thereof, and his reasons therefor. In no event shall the total amount of the budget exceed either the amount of the appropriation or the amount of the funds available, nor shall any transfer be made from the capital outlay or data processing sub-classifications unless specific authority for such transfers is provided by law, except for transfers from capital outlay to data processing when determined by the Department of Information Systems that data processing services for a state agency

can be performed on a more cost-efficient basis by the Department of Information Systems than through the purchase of data processing equipment by that state agency. In considering the proposed modification as prepared and submitted by each state agency, the Chief Fiscal Officer of the State shall make such studies as he deems necessary. The Chief Fiscal Officer of the State shall, after obtaining the approval of the Legislative Council, approve the requested transfer if in his opinion it is in the best interest of the state.

"The General Assembly has determined that the agency in this act could be operated more efficiently if some flexibility is given to that agency and that flexibility is being accomplished by providing authority to transfer between certain items of appropriation made by this act. Since the General Assembly has granted the agency broad powers under the transfer of appropriations, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the transfers by requiring prior approval of the Legislative Council in the utilization of the transfer authority. Therefore, the requirement of approval by the Legislative Council is not a severable part of this section. If the requirement of approval by the Legislative Council is ruled unconstitutional by a court jurisdiction, this entire section is void.

"The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012."

## SUBCHAPTER 6 — ANNUAL OPERATIONS PLANS OF STATE AGENCIES

### SECTION.

19-4-607. Review and approval of annual operations plans.

**Effective Dates.** Acts 2009, Nos. 605 and 606, § 27: Mar. 25, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the people of the State of Arkansas overwhelmingly approved the establishment of lotteries at the 2008 General Election; that lotteries will provide funding for scholarships to the citizens of this state; that the failure to immediately implement this act will

cause a reduction in lottery proceeds that will harm the educational and economic success of potential students eligible to receive scholarships under the act; and that the state lotteries should be implemented as soon as possible to effectuate the will of the citizens of this state and implement lottery-funded scholarships as soon as possible. Therefore, an emergency is declared to exist and this act being immediately necessary for the preserva-

tion of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of

time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

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#### **19-4-607. Review and approval of annual operations plans.**

(a) Each state agency other than the elected constitutional officers, the legislative branch and its staff offices, the judicial branch and its staff offices, the Arkansas State Highway and Transportation Department, the Arkansas Lottery Commission, the state-supported institutions of higher education, and the Arkansas State Game and Fish Commission shall prepare an annual operations plan for the operation of each of its assigned programs for submission to the Chief Fiscal Officer of the State.

(b) The annual operations plan shall be prepared in the form and content determined by the Chief Fiscal Officer of the State and shall be transmitted to the Department of Finance and Administration on the date prescribed by the Chief Fiscal Officer of the State.

(c) In years when the General Assembly meets in regular session, the annual operations plan shall be prepared after adjournment of the regular session and shall take fully into consideration all applicable laws, including appropriations, and shall be submitted to the Department of Finance and Administration on a date set by the Chief Fiscal Officer of the State but prior to July 1 of that year.

(d) The Chief Fiscal Officer of the State shall:

(1) Review each annual operations plan to determine that:

(A) It is consistent with the policy decisions of the General Assembly and the Governor;

(B) Appropriations and funding have been provided by the General Assembly;

(C) It reflects proper planning and efficient management methods; and

(D) Appropriations and funding have been made for the planned purpose and will not be exhausted before the end of the fiscal year; and

(2)(A)(i) Approve the annual operations plan if he or she is satisfied that it meets all requirements.

(ii) Otherwise, he or she shall require necessary revisions of the plan in whole or in part.

(B) However, nothing in this section shall be construed to allow the Chief Fiscal Officer of the State to substitute his or her individual judgment as to the operation or necessity of any program of any state agency for the judgment of the executive head or board or commission charged with the responsibility for the operation and control of that agency.

- (e) Each annual operations plan shall indicate:
  - (1) The appropriation and funding provided by the General Assembly;
  - (2) A detailed budget by quarters; and
  - (3) Any other supporting or related information required by the Chief Fiscal Officer of the State or requested by a legislative interim committee, including the Legislative Council.

**History.** Acts 1973, No. 876, § 9; A.S.A. 1947, § 13-335; Acts 1997, No. 1354, § 36; 2001, No. 221, § 3; 2009, No. 605, § 15; 2009, No. 606, § 15.

**Amendments.** The 2009 amendment by identical acts Nos. 605 and 606 inserted “the Arkansas Lottery Commission” in (a), and made a related change.

## SUBCHAPTER 8 — EXPENDITURE OF CASH FUNDS

### SECTION.

19-4-801. Definitions.

19-4-803. Exemptions.

**Effective Dates.** Acts 2009, Nos. 605 and 606, § 27: Mar. 25, 2009. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the people of the State of Arkansas overwhelmingly approved the establishment of lotteries at the 2008 General Election; that lotteries will provide funding for scholarships to the citizens of this state; that the failure to immediately implement this act will cause a reduction in lottery proceeds that will harm the educational and economic success of potential students eligible to receive scholarships under the act; and that the state lotteries should be implemented as soon as possible to effectuate the will of the citizens of this state and implement lottery-funded scholarships as soon as possible. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

Acts 2009, No. 1405, § 57: Apr. 9, 2009. Emergency clause provided: “It is found

and determined by the General Assembly of the State of Arkansas that the people of the State of Arkansas overwhelmingly approved the establishment of lotteries at the 2008 General Election; that the Eighty-seventh General Assembly adopted Acts 605 and 606 of 2009 that implemented lotteries and made corresponding revisions to the Arkansas Academic Challenge Scholarship Program; that this bill amends provisions of Acts 605 and 606 of 2009 pertaining to lotteries and the Arkansas Academic Challenge Scholarship Program; and that the failure to immediately implement this act will cause a reduction in lottery proceeds that will harm the educational and economic success of potential students eligible to receive scholarships under the act. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

**19-4-801. Definitions.**

As used in this subchapter:

(1) "Cash funds" means all moneys, negotiable instruments, certificates of indebtedness, stocks, and bonds held by or owned by any state agency which are not on deposit with or in the trust of the Treasurer of State; and

(2)(A) "State agency" means all boards, commissions, departments, agencies, institutions, offices or officers, state-supported institutions of higher learning, and any other office or unit of government of the State of Arkansas created or established pursuant to law or pursuant to any action of the Governor, functioning under appropriation made by the General Assembly or functioning as a representative of the state without appropriation of the General Assembly.

(B) "State agency" shall not include the:

- (i) Governor;
- (ii) Secretary of State;
- (iii) Attorney General;
- (iv) Treasurer of State;
- (v) Auditor of State;
- (vi) Commissioner of State Lands;
- (vii) Supreme Court and its justices;
- (viii) Circuit courts and circuit judges;
- (ix) Prosecuting attorneys;
- (x) Arkansas State Game and Fish Commission;
- (xi) Arkansas State Highway and Transportation Department;
- (xii)(a) Arkansas Lottery Commission.

(b) However, the Arkansas Lottery Commission shall be considered a state agency for the purposes of §§ 19-4-810 — 19-4-816;

(xiii) General Assembly; and

(xiv) Respective staffs of the officers and agencies listed in this subdivision (2)(B).

**History.** Acts 1975, No. 5, §§ 1, 2; A.S.A. 1947, §§ 13-356, 13-357; Acts 2005, No. 1962, § 79; 2009, No. 605, § 16; 2009, No. 606, § 16; Acts 2009, No. 1405, § 25.

**Amendments.** The 2009 amendment by identical acts Nos. 605 and 606 in-

serted (2)(B)(xii), redesignated the subsequent subdivisions accordingly, and made a minor stylistic change.

The 2009 amendment by No. 1405 substituted "19-4-816" for "19-4-1816" in (2)(B)(xii)(b).

**19-4-803. Exemptions.**

(a) The following are exempt from this subchapter:

(1) Funds required by the terms of a bond indenture to be held by paying agents for the payment of interest and principal on such bonds;

(2) Petty cash funds held by the various state agencies;

(3) Memorials, endowments, bequests, gifts, and donations made to any state agency other than for normal operation of the agency;

(4) Canteen funds of state agencies other than institutions of higher learning, wherein the profits earned are used for the benefit of the

people served by that agency through the purchase of services or goods other than normal salary or maintenance expenses of the agency;

(5) The Benefit Fund of the Department of Workforce Services;

(6) The Bond Guaranty Reserve Account of the Arkansas Economic Development Council;

(7) The Illegal Drug Purchase Account and the Confidential Accounts of the Department of Arkansas State Police;

(8) Patient funds, when the institution is acting in a trust capacity or when the funds are utilized for patient activities other than normal agency-provided services;

(9) The State Treasury Money Trust Management Fund; and

(10) Any other funds determined by the Chief Fiscal Officer of the State or the General Assembly, to be held in trust and on deposit in a financial institution other than the State Treasury.

(b)(1) Any moneys received from any millage levied by a community college district pursuant to an election under Acts 1965, No. 560 [repealed] or Acts 1973, No. 103 [repealed], or any acts amendatory to these acts, shall not be subject to any of the provisions of this subchapter which require funds to be appropriated by the General Assembly.

(2) The board of any community college may use the funds received from the millage levied for the purposes stated on the ballot at the time of the election authorizing the millage, i.e., construction, purchasing equipment, or where so provided on the ballot, for operation of the college, and the funds shall be subject to all such other provisions of this subchapter as are not inconsistent with this subsection.

(c) The Department of Correction Plasma Center is exempt from provisions of this subchapter.

(d) The Arkansas Comprehensive Health Insurance Pool, created under the Comprehensive Health Insurance Pool Act, § 23-79-501 et seq., and its board of directors, and the Arkansas Property and Casualty Insurance Guaranty Fund and its advisory association, referenced under the Arkansas Property and Casualty Insurance Guaranty Act, § 23-90-101 et seq., and the Arkansas Life and Disability Health Insurance Guaranty Association and its board of directors, referenced under the Arkansas Life and Health Insurance Guaranty Association Act, § 23-96-101 et seq., are hereby exempt from the provisions of this subchapter.

(e) The Tobacco Settlement Cash Holding Fund administered by the State Board of Finance shall be exempt from the provisions of this subchapter.

**History.** Acts 1975, No. 5, § 7; 1975, No. 265, § 1; 1977, No. 713, § 14; A.S.A. 1947, §§ 13-356.1, 13-362; Acts 1997, No. 540, § 39; 1997, No. 1000, § 17; 1997, No. 1179, § 3; Init. Meas. 2000, No. 1, § 19; Acts 2009, No. 251, § 10.

**Amendments.** The 2009 amendment redesignated (a), substituted "Trust Management" for "Management Trust" in (a)(9), and made related and minor stylistic changes.

**SUBCHAPTER 9 — TRAVEL REGULATIONS****SECTION.**

19-4-903. Standard reimbursements and  
special authorizations.  
19-4-904. Exempt persons and agencies.

**SECTION.**

19-4-906. Motor vehicle restrictions and  
authorizations.

**19-4-903. Standard reimbursements and special authorizations.**

(a)(1) Except for special authorization by the Chief Fiscal Officer of the State, reimbursement for meals and lodging while traveling on official business of the state shall not exceed the maximum rates as prescribed by the Federal Travel Directory published by the United States General Services Administration.

(2) Requests for special authorization shall be limited to those rare occasions where unusual circumstances may cause the existing rates to be inadequate and shall be set out in writing in such detail as shall be required in the state travel procedures and shall be executed in behalf of each individual traveler for each special authorized occasion. Provided however, that requests for special authorization by employees of institutions of higher education shall be subject to the approval of the chief executive officer of the institution and not the Department of Finance and Administration.

(3) Under such emergency conditions as shall be determined by the Governor, the limitations of this subsection with respect to meals and lodging may be waived or modified.

(b)(1) As used in this subsection, "state-owned motor vehicle" means a motor vehicle purchased or leased by:

- (A) The State of Arkansas;
- (B) The office of a constitutional officer of the State of Arkansas;
- (C) A constitutionally independent agency or commission; and
- (D) A state-supported institution of higher education.

(2)(A) Unless otherwise provided by law, reimbursement for the use of privately owned motor vehicles while traveling on official business for the state shall not exceed the allowable rate of the Internal Revenue Service per mile for business use of privately owned motor vehicles.

(B) A state agency director may authorize reimbursement for travel expenses for meals, lodging, and private automobile or airplane usage at amounts less than that established under the authority of this section.

(C) The Chief Fiscal Officer of the State by regulation may establish procedures and the rate for reimbursing individuals for the use of privately owned airplanes while traveling on official business for the state.

(3)(A)(i) Any employee of the State of Arkansas who utilizes, but whose job does not require the state employee to utilize, a state-owned motor vehicle for transportation to or from his or her permanent residence from or to his or her official station on a daily basis

shall reimburse the fund from which the operating expenses of the state-owned motor vehicle are paid at the same rate authorized by the state agency director of the agency employing the state employee for reimbursements for private automobile usage under subdivision (b)(2)(B) of this section.

(ii) As used in subdivision (b)(3)(A)(i) of this section, "state employee":

(a) Means an employee of a state agency, board, commission, department, or state-supported institution of higher education; and

(b) Includes a constitutional officer and an employee of a constitutional officer.

(B) All state-owned motor vehicles or state-leased motor vehicles shall be for official business use only.

(c) The Chief Fiscal Officer of the State shall promulgate rules and regulations to implement the provisions of this subchapter.

**History.** Acts 1973, No. 876, § 16; 1974 (Ex. Sess.), No. 16, § 1; 1977, No. 462, § 1; 1979, No. 890, § 1; 1985, No. 365, § 7; A.S.A. 1947, § 13-342; Acts 1987, No. 81, § 1; 1991, No. 1222, §§ 1, 2; 1997, No. 795, § 1; 2011, No. 1021, § 1.

**Amendments.** The 2011 amendment inserted present (b)(1) and redesignated former (b)(1) and (2) as present (b)(2) and (3); in (b)(3)(A)(i), inserted "state" preceding "employee to utilize" and "state-owned" preceding "motor vehicle," and

substituted "same rate authorized by the state agency director of the agency employing the state employee for reimbursements for private automobile usage under subdivision (b)(2)(B) of this section" for "rate of fifteen cents (15¢) per mile for each mile, or portion thereof, in excess of ten (10) miles each way"; added (b)(3)(A)(ii); and substituted "motor vehicles or state-leased motor vehicles" for "or leased vehicles" in (b)(3)(B).

#### **19-4-904. Exempt persons and agencies.**

(a)(1) The limitations of this subchapter relating to travel regulations shall not be applicable to:

(A) Except as provided in § 19-4-903(b), the constitutional or elective officials and their employees; or

(B) Official guests of the state.

(2) The provisions of this subchapter shall not be used to supersede or set aside the provisions of law providing for fixed allowances, established amounts for per diem, or to special travel privileges provided by law for specific purposes when the allowances exceed those authorized in this subchapter.

(b)(1) Personal reimbursement will not be allowed to any state official, state employee, or any other person traveling on official business for expenses covering personal entertainment, flowers, valet service, laundry and cleaning, or other personal expenses, as those expenses shall be defined in the state travel regulations. All such persons shall be required to submit their travel reimbursement requests upon forms prescribed by the Department of Finance and Administration, itemized in such detail as shall be necessary to carry out the purposes and intent of this section.

(2) The tip reimbursement amount shall not exceed fifteen percent (15%) of the meal amount expended.

(3) The total reimbursement for meals and tips shall not exceed the maximum rates prescribed by the Financial Management Guide published by the Office of Accounting of the Department of Finance and Administration.

(c) The cost of meals, lodging, and mileage of state employees who are designated by a supervisor or agency director to attend official or special board meetings or other functions recognized as being in the performance of their official duties may be paid either as reimbursement to the employee or on direct billing, in the case of meals and lodging, subject to approval of the superior.

(d) It is recognized that within the state-supported institutions of higher education there exists an obligatory inherent cost of providing travel expenses for a group or number of students who, when accompanied by those who instruct the students in the fundamentals of a competitive sport and direct team strategy, must travel and be recognized as a cohesive unit representing not only their institution, but exemplifying the State of Arkansas in their behavior, attitudes, interests, presentation, and conduct. In these circumstances the payment of group travel expenses, including those of students and employees, may be authorized as follows:

(1) Meals and lodging;

(2) Transportation;

(3) Entertainment, within reasonable limits, to ease the pressure on students of their objectives;

(4) Costs of group activities, including gratuities, laundry, cleaning, and favors; and

(5) Other personal expenses to be paid only from auxiliary funds not inconsistent with standards, rules, regulations, or prohibitions established by recognized national or state governing associations pertaining to the respective students and employees and the institutions they are representing.

**History.** Acts 1973, No. 876, § 16; 1981, No. 741, § 3; 1985, No. 365, § 7; A.S.A. 1947, § 13-342; Acts 1997, No. 250, § 174; 2007, No. 715, § 1; 2011, No. 1021, § 2.

**Amendments.** The 2011 amendment rewrote (a).

#### **19-4-906. Motor vehicle restrictions and authorizations.**

(a) None of the funds appropriated for the various state agencies, authorities, boards, commissions, departments, and institutions of higher education listed below shall be used to purchase, lease for over thirty (30) days, operate, repair, or provide services for more than the maximum number of passenger motor vehicles as set out in this section, except in an emergency as proclaimed by the Governor. Passenger motor vehicles are defined as those licensed for highway use, including, but not limited to, automobiles, trucks, and vans. Mileage reimburse-

ment for employees' utilization of their personal automobiles shall not be deemed to be included in this restriction.

Item No.	Agency, Authority, Board, Commission, or Institution of Higher Education	Maximum Authorized Number of Passenger Motor Vehicles in any Year
(001)	Arkansas Abstracters' Board	0
(002)	Administrative Office of the Courts	3
(003)	Adv. Council for Vo-Tech Education	2
(004)	Arkansas State Board of Chiropractic Examiners	0
(005)	Arkansas Board of Hearing Instrument Dispensers	0
(006)	Arkansas Board of Podiatric Medicine	0
(007)	Arkansas Building Authority	22
(008)	Arkansas Bureau of Standards	34
(009)	Arkansas Cemetery Board	0
(010)	Arkansas Code Revision Commission	0
(011)	Arkansas Commission on Law Enforcement Standards of Training	15
(012)	Arkansas Crime Information Center	11
(013)	Arkansas Department of Aeronautics	1
(014)	Arkansas Department of Emergency Management	15
(015)	Arkansas Department of Environmental Quality	57
(016)	Arkansas Development Finance Authority	3
(017)	Arkansas Economic Development Council	31
(018)	Arkansas Fire Protection Licensing Board	0
(019)	Arkansas Forestry Commission	396
(020)	Arkansas Geological Survey	18
(021)	Arkansas History Commission, Department of Parks and Tourism	3
(022)	Arkansas Livestock and Poultry Commission	81
(023)	Arkansas Manufactured Home Commission	3
(024)	Arkansas Motor Vehicle Commission	5
(025)	Arkansas Natural Resources Commission	8
(026)	Arkansas Northeastern College	26
(027)	Arkansas Psychology Board	0

Item No.	Agency, Authority, Board, Commission, or Institution of Higher Education	Maximum Authorized Number of Passenger Motor Vehicles in any Year
(028)	Arkansas Public Employees' Retirement System	5
(029)	Arkansas Public Service Commission	27
(030)	Arkansas Real Estate Commission	3
(031)	Arkansas School for Mathematics, Sciences, and the Arts	14
(032)	Arkansas School for the Blind	8
(033)	Arkansas School for the Deaf	14
(034)	Arkansas Science & Technology Authority	1
(035)	Arkansas Social Work Licensing Board	0
(036)	Arkansas Soybean Promotion Board	0
(037)	Arkansas Spinal Cord Commission	3
(038)	Arkansas State Board of Architects, Landscape Architects, and Interior Designers	0
(039)	Arkansas State Board of Dental Examiners	1
(040)	Arkansas State Board of Landscape Architects [abolished]	0
(041)	Arkansas State Board of Massage Therapy	0
(042)	Arkansas State Board of Nursing	1
(043)	Arkansas State Board of Pharmacy	1
(044)	Arkansas State Board of Public Accountancy	0
(045)	Arkansas State Board of Registration for Foresters	0
(046)	Arkansas State Board of Registration for Professional Soil Classifiers	0
(047)	Arkansas State Board of Sanitarians	0
(048)	Arkansas State Department of Health Building Commission	0
(049)	Arkansas State Game and Fish Commission	400
(050)	Arkansas State Highway and Transportation Department	43
(051)	Arkansas State Highway and Transportation Department	2,300

Item No.	Agency, Authority, Board, Commission, or Institution of Higher Education	Maximum Authorized Number of Passenger Motor Vehicles in any Year
(052)	Arkansas State Highway and Transportation Department — (NOAA)	0
(053)	Arkansas State Highway Employees' Retirement System	0
(054)	Arkansas State Library	29
(055)	Arkansas State Medical Board	0
(056)	Arkansas State Police	725
(057)	Arkansas State University	131
(058)	Arkansas State University — Beebe	8
(059)	Arkansas State University — Mountain Home	10
(060)	Arkansas State University — Newport	10
(061)	Arkansas State University System	9
(062)	Arkansas Student Loan Authority	2
(063)	Arkansas Teacher Retirement System	4
(064)	Arkansas Tech University	55
(065)	Arkansas Waterways Commission	1
(066)	Black River Technical College	12
(067)	Board of Corrections	6
(068)	Board of Examiners in Speech-Language Pathology and Audiology	0
(069)	Burial Association Board	2
(070)	Commission on Water Well Construction	2
(071)	Contractors Licensing Board	1
(072)	Cossatot Community College of the University of Arkansas	20
(073)	Department of Arkansas Heritage	11
(074)	Department of Correction	254
(075)	Department of Education	10
(076)	Department of Finance and Administration — Alcoholic Beverage Control Division	22
(077)	Department of Finance and Administration — Alcoholic Beverage Control Division — Administration Division	1
(078)	Department of Finance and Administration — Management Services Division	44

Item No.	Agency, Authority, Board, Commission, or Institution of Higher Education	Maximum Authorized Number of Passenger Motor Vehicles in any Year
(079)	Department of Finance and Administra- tion — Racing Division	1
(080)	Department of Finance and Administra- tion — Revenue Division	168
(081)	Department of Health	111
(082)	Department of Higher Education	2
(083)	Department of Human Services	444
(084)	Department of Information Services	7
(085)	Department of Labor	9
(086)	Department of Parks and Tourism	187
(087)	Department of Workforce Services	27
(088)	Dept. of Education — National Migrant Student Record Transfer System	1
(089)	Dept. of Education — Vo-Tech Division	22
(090)	Dept. of Education — Vo-Tech Schools	280
(091)	Dept. of Veterans' Affairs and the Arkan- sas Veterans' Home	11
(092)	Disabled Veterans Service Office	0
(093)	East Arkansas Community College	10
(094)	Educational Television Commission	14
(095)	Health Services Permit Agency	1
(096)	Henderson State University	45
(097)	Liquefied Petroleum Gas Board	4
(098)	Mid-South Community College	13
(099)	National Park Community College	16
(100)	North Arkansas College	28
(101)	Northwest Arkansas Community College	20
(102)	Office of the Prosecutor Coordinator	0
(103)	Oil and Gas Commission	17
(104)	Ouachita Technical College	10
(105)	Ozarka College	12
(106)	Phillips Community College of the Univer- sity of Arkansas	27
(107)	Pulaski Technical College	25
(108)	Arkansas Revenue Department Building Commission	0
(109)	Rich Mountain Community College	12
(110)	SAU-Tech — Camden	15

Item No.	Agency, Authority, Board, Commission, or Institution of Higher Education	Maximum Authorized Number of Passenger Motor Vehicles in any Year
(111)	SAU-Tech — Arkansas Environmental Training Academy	3
(112)	SAU-Tech — Arkansas Fire Training Academy	22
(113)	South Arkansas Community College	20
(114)	Southeast Arkansas College	6
(115)	Southern Arkansas University — Magnolia	46
(116)	State Athletic Commission	0
(117)	State Bank Department	22
(118)	State Board of Barber Examiners	0
(119)	State Board of Collection Agencies	0
(120)	State Board of Cosmetology	0
(121)	State Board of Embalmers & Funeral Directors	0
(122)	State Board of Licensure for Professional Engineers and Professional Surveyors	0
(123)	State Crime Laboratory	15
(124)	State Department for Social Security Administration Disability Determination	3
(125)	State Insurance Department	6
(126)	State Military Department	20
(127)	State Plant Board	30
(128)	State Securities Department	5
(129)	University of Arkansas at Fayetteville	594
(130)	University of Arkansas at Fort Smith	29
(131)	University of Arkansas at Little Rock	75
(132)	University of Arkansas at Monticello	64
(133)	University of Arkansas at Pine Bluff	75
(134)	University of Arkansas Community College at Batesville	10
(135)	University of Arkansas Community College at Hope	20
(136)	University of Arkansas Community College at Morrilton	16
(137)	University of Arkansas for Medical Sciences	99
(138)	University of Central Arkansas	100

Item No.	Agency, Authority, Board, Commission, or Institution of Higher Education	Maximum Authorized Number of Passenger Motor Vehicles in any Year
(139)	Arkansas Veterans' Child Welfare Service Office	0
(140)	Veterinary Medical Examining Board	0
(141)	War Memorial Stadium Commission	3
(142)	Workers' Compensation Commission	25

(b)(1) The General Assembly recognizes that, in some cases, motor vehicles are donated to educational institutions and agencies primarily for use in automotive repair and maintenance courses and in instructional programs for truck operators and that such motor vehicles are not normally used for other purposes by the institutions and agencies and should not be included in the maximum number of authorized passenger vehicles prescribed for such institutions and agencies in this section.

(2)(A) Therefore, motor vehicles donated to educational institutions and agencies primarily for use in programs of instruction in automotive maintenance and repair, in operator training, and in related instructional programs shall not be included for the purpose of determining the number of vehicles authorized for any such institutions or agencies.

(B) The provisions of this section shall not be applicable to these motor vehicles.

(c)(1) The Department of Human Services is exempt from the provisions of this section.

(2) The Department of Human Services may purchase vehicles utilizing federal funds and the appropriate state matching funds required.

**History.** Acts 1983, No. 490, §§ 1, 2; 1985, No. 649, § 44; 1985, No. 888, §§ 22, 23; A.S.A. 1947, §§ 13-342.1, 13-342.3; Acts 1987, No. 921, § 19; 1989, No. 790, § 1; 1989 (1st Ex. Sess.), No. 252, § 9; 1993, No. 447, § 9; 1997, No. 540, § 40; 1997, No. 948, § 3; 1999, No. 646, § 56; 1999, No. 1164, § 156; 1999, No. 1398, § 28; 2001, No. 739, §§ 2, 3; 2001 No. 1669, § 29; 2001, No. 1800, § 2; 2005, No. 1869, §§ 1-28; 2005, No. 2123, § 31; 2007, No. 186, § 3; 2007, No. 711, § 1; 2007, No. 1255, § 35; 2009, No. 1334, § 34.

**A.C.R.C. Notes.** As the result of an apparent markup error, the amendment of this section by Acts 2009, No. 1334, § 34, made it appear as if Item No. (119) of subsection (a) was being changed to Item No. (137) of subsection (a). However, the 2009 amendment had no effect on Item No. (119) of subsection (a) and instead changed the maximum authorized number of passenger motor vehicles in any year in Item No. (137) of subsection (a) from 94 to 99.

**SUBCHAPTER 10 — OIL COMPANY CREDIT CARDS**

## SECTION.

19-4-1006. Rules — Records.

**19-4-1006. Rules — Records.**

The Chief Fiscal Officer of the State shall:

- (1) Promulgate rules with respect to obtaining and utilizing credit cards in payment of products and services;
- (2) Prescribe the procedures for reporting, approving, and paying for products and services purchased with credit cards; and
- (3) Prescribe the necessary records to be maintained and the supporting documentation to be provided with each voucher presented for payment of charges resulting from the use of credit cards.

**History.** Acts 1979, No. 676, § 4; A.S.A. 1947, § 12-2378.3; Acts 2009, No. 251, § 11.

**Amendments.** The 2009 amendment deleted "and regulations" in the section

heading; deleted "state-owned oil company" preceding "credit cards" in (2); added "resulting from the use of credit cards" in (3); and made related and minor stylistic changes.

**SUBCHAPTER 13 — MONITORING FOR DEFICIT SPENDING**

## SECTION.

19-4-1303. Exemptions.

**Effective Dates.** Acts 2009, Nos. 605 and 606, § 27: Mar. 25, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the people of the State of Arkansas overwhelmingly approved the establishment of lotteries at the 2008 General Election; that lotteries will provide funding for scholarships to the citizens of this state; that the failure to immediately implement this act will cause a reduction in lottery proceeds that will harm the educational and economic success of potential students eligible to receive scholarships under the act; and that the state lotteries should be imple-

mented as soon as possible to effectuate the will of the citizens of this state and implement lottery-funded scholarships as soon as possible. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

**19-4-1303. Exemptions.**

Funds disbursed by the Arkansas State Highway and Transportation Department, the Arkansas State Game and Fish Commission, and the Arkansas Lottery Commission and the funds appropriated in the

general appropriation bill provided for in Arkansas Constitution, Article 5, § 30, shall be exempt from this subchapter.

**History.** Acts 1983, No. 781, § 6; A.S.A. 1947, § 13-379; Acts 2009, No. 605, § 17; 2009, No. 606, § 17.

**Amendments.** The 2009 amendment

by identical acts Nos. 605 and 606 inserted “and the Arkansas Lottery Commission.”

## SUBCHAPTER 14 — CONSTRUCTION OF BUILDINGS AND FACILITIES

### SECTION.

19-4-1402. Contracts to be filed.

19-4-1405. Bidding procedure.

19-4-1415. Projects exceeding five million dollars.

### SECTION.

19-4-1416. Job order contracting.

**Effective Dates.** Acts 2009, Nos. 605 and 606, § 27: Mar. 25, 2009. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the people of the State of Arkansas overwhelmingly approved the establishment of lotteries at the 2008 General Election; that lotteries will provide funding for scholarships to the citizens of this state; that the failure to immediately implement this act will cause a reduction in lottery proceeds that will harm the educational and economic success of potential students eligible to receive scholarships under the act; and that the state lotteries should be implemented as soon as possible to effectuate the will of the citizens of this state and implement lottery-funded scholarships as soon as possible. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

Acts 2009, No. 1405, § 57: Apr. 9, 2009. Emergency clause provided: “It is found

and determined by the General Assembly of the State of Arkansas that the people of the State of Arkansas overwhelmingly approved the establishment of lotteries at the 2008 General Election; that the Eighty-seventh General Assembly adopted Acts 605 and 606 of 2009 that implemented lotteries and made corresponding revisions to the Arkansas Academic Challenge Scholarship Program; that this bill amends provisions of Acts 605 and 606 of 2009 pertaining to lotteries and the Arkansas Academic Challenge Scholarship Program; and that the failure to immediately implement this act will cause a reduction in lottery proceeds that will harm the educational and economic success of potential students eligible to receive scholarships under the act. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

**19-4-1402. Contracts to be filed.**

(a) Executed counterparts of all contracts entered into by any state agency with respect to proposed projects for new improvements or major repairs or additions to existing buildings and facilities shall be approved by and filed with the Arkansas Building Authority before the issuance of any vouchers making payments under the contract, unless the contract is exempted from the jurisdiction of the authority by a law or a regulation promulgated under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(b)(1) The Boards of Trustees of the University of Arkansas, Arkansas State University, University of Central Arkansas, Henderson State University, Arkansas Tech University, and Southern Arkansas University, respectively, are exempt from the requirements of this section requiring the filing of the contracts with the authority.

(2) The governing boards of all other public institutions of higher education shall be exempt from the requirement for approval and filing of the contracts with the authority:

(A) Upon approval of the Department of Higher Education; and

(B) If, prior to granting approval, the department shall have reviewed and approved policies and procedures adopted by the governing boards of the public institutions of higher education with respect to bidding and construction of capital improvement projects.

(3) Nothing in this section shall prevent a public institution of higher education exempt under this subsection from entering into an agreement with the authority to file its contracts with the authority.

(c)(1) All contracts for new improvements or major repairs or additions to existing buildings and facilities under this subchapter shall include a project disclosure statement prepared by the agency, board, commission, or public institution of higher education.

(2) The disclosure statement shall provide the estimated timeline, scope, and cost of the total project.

(3) The disclosure statement shall not be construed as authorizing any:

(A) Additional work which is beyond the scope of the bid documents; or

(B) Payment exceeding the contract amount.

(d) Nothing in this section shall prohibit any agency, board, commission, or public institution of higher education from executing contract amendments.

**History.** Acts 1973, No. 876, § 22; 1977, No. 813, § 2; A.S.A. 1947, § 13-348; Acts 1997, No. 294, § 1; 2001, No. 214, § 1; 2001, No. 961, § 3; 2005, No. 2186, § 1; 2009, No. 193, §§ 1, 2.

**Amendments.** The 2009 amendment inserted "approved by and" in (a), inserted "the requirement for approval and" in (b)(2); and made minor stylistic changes.

**19-4-1405. Bidding procedure.**

(a)(1)(A) After a state agency has caused the preparation and has approved plans and specifications, it shall then proceed to advertise for bids for the contemplated work by the publication of notice one (1) time each week for not less than two (2) consecutive weeks for projects over the amount of fifty thousand dollars (\$50,000), and shall proceed to advertise for bids one (1) time each week for not less than one (1) week for projects more than the quote bid and less than or equal to fifty thousand dollars (\$50,000).

(B)(i) This notice shall be published in a newspaper of general circulation published in the county in which the proposed improvements are to be made or in a trade journal reaching the construction industry.

(ii) The last insertion shall be not less than one (1) week prior to the date on which the bids are to be received.

(2) The notice shall:

(A) Provide for the receipt of sealed bids;

(B) Set forth the time and place in which the bids will be received;

(C) Specify from whom copies of the plans and specifications and a draft of the proposed contract may be obtained for examination;

(D) Contain the amount of the bid security; and

(E) Contain such other information and requirements as, in the opinion of the state agency, may be necessary or desirable.

(b)(1) On the date and time fixed in the notice, the state agency shall open, tabulate, and compare bids, and award the contract to the lowest responsible bidder.

(2) However, the state agency shall have the right to reject any or all bids and to waive any formalities.

(c)(1) The successful bidder shall be required to furnish bonds to the State of Arkansas, with corporate guaranty or indemnity sureties on the bonds.

(2)(A) The bonds shall be both for the completion of the construction free of all liens and encumbrances, in an amount fixed by the Arkansas Building Authority, and for the protection of the state agency and its members against all liability for injury to persons or damage to, or loss of, property arising, or claimed to have arisen, in the course of the work project, within limits fixed by the authority.

(B) However, for projects undertaken by public institutions of higher education, the bonds shall be in an amount and within limits fixed by the governing board of the public institution of higher education.

(d)(1)(A) Every bid submitted on state agency construction contracts for projects over the amount of twenty thousand dollars (\$20,000) shall be void unless accompanied by a cashier's check drawn upon a bank or trust company doing business in this state or by a corporate bid bond and the agent's power of attorney as his or her authority.

(B) No bid security shall be required for projects under or equal to the amount of twenty thousand dollars (\$20,000).

(2) The bid security shall indemnify the public against failure of the contractor to execute and deliver the contract and necessary bonds for faithful performance of the contract.

(3) The bid security shall provide that the contractor or surety must pay the damage, loss, cost, and expense subject to the amount of the bid security directly arising out of the contractor's default in failing to execute and deliver the contract and bonds.

(4) Liability under this bid security shall be limited to five percent (5%) of the amount of the bid.

(e)(1)(A) When it is obvious from examination of the bid document that it was the intent of a bidder to submit a responsive bid and because of a scrivener's error, the bid, if accepted, would create a serious financial loss to the bidder, the Director of the Arkansas Building Authority may relieve the bidder from responsibility under his or her bond and may reject the bid.

(B) However, for projects undertaken by public institutions of higher education exempt from review and approval of the authority, the chief executive officer of the public institution of higher education or his or her designee may relieve the bidder from responsibility under his or her bond and may reject his or her bid in the same manner and within the same period as allowed by the authority.

(2) As used in this section, "scrivener's error" means:

(A) An error in the calculation of a bid which can be documented by clear and convincing written evidence and which can be clearly shown by objective evidence drawn from inspection of the original work papers, documents, or materials used in the preparation of the bid sought to be withdrawn; and

(B) In the case of a bid sought to be withdrawn, the bid was submitted in good faith and the mistake was due to a calculation or clerical error, an inadvertent omission, or a typographical error as opposed to an error in judgment.

(3)(A) To receive relief under subdivision (e)(1) of this section, the bidder must serve written notice to the director or to the chief executive officer or his or her designee of a public institution of higher education exempt from review and approval of the authority any time after the bid opening, but no later than seventy-two (72) hours after receiving the intent to award, excluding Saturdays, Sundays, and holidays.

(B) Failure to make a withdrawal request within seventy-two (72) hours shall constitute a waiver by the bidder of the bidder's right to claim that the mistake in his or her bid was a scrivener's error.

(4) In the event the director or the chief executive officer or his or her designee of a public institution of higher education exempt from review and approval of the authority has relieved the bidder from responsibility under his or her bond, action on the remaining bids should be considered as though the withdrawn bid had not been received.

(f)(1) A state agency shall not require in plans or specifications that a bidder or supplier:

- (A) Hold membership in any professional or industry associations, societies, trade groups, or similar organizations;
- (B) Possess certification from any professional or industry associations, societies, trade groups, or similar organizations as steel building fabricators; or
- (C) Be endorsed by any professional or industry associations, societies, trade groups, or similar organizations.

(2) However, plans and specifications may include or reference standards adopted by professional or industry associations, societies, trade groups, or similar organizations.

**History.** Acts 1973, No. 876, § 22; 1985, No. 365, § 11; A.S.A. 1947, § 13-348; Acts 1987, No. 758, § 1; 1995, No. 1319, § 1; 1997, No. 1193, § 2; 1999, No. 219, § 2; 2001, No. 214, §§ 2, 3; 2001, No. 961, §§ 4, 5; 2003, No. 364, §§ 4, 19; 2005, No. 859, § 1; 2009, No. 193, §§ 3, 4.

**Amendments.** The 2009 amendment substituted "security" for "bond" in (a)(2)(D) and (d)(1)(B).

### **19-4-1413. Projects constructed with private funds.**

#### **CASE NOTES**

##### **Constitutionality.**

Arkansas Constitution, Art. 19, § 16, applied only to county contracts. Therefore, this section and § 19-4-1415, which allowed for state contracts to be let with-

out competitive bidding in certain circumstances, were not unconstitutional under § 16. Gatzke v. Weiss, 375 Ark. 207, 289 S.W.3d 455 (2008).

### **19-4-1415. Projects exceeding five million dollars.**

(a) In the event funds from any sources are provided to state agencies for projects which exceed five million dollars (\$5,000,000), excluding the cost of land, the provisions of this subchapter and all other provisions of the Arkansas Code governing construction of public facilities, including, but not limited to, the provisions of § 22-9-201 et seq. at the election of state agencies or the institutions of higher education set forth in subdivision (b)(5) of this section shall not be applicable to the projects if the selection and contracting process set forth in this section is followed.

(b)(1) No contract for projects between the state agency and the construction manager, general contractor, architect, or engineer shall be entered into without first obtaining approval of the Arkansas Building Authority and review by the Legislative Council.

(2) The authority shall have involvement in the selection and contract process from the project inception.

(3) There shall be separate contracts for design and construction services.

(4) The authority shall have the authority to promulgate rules and regulations pertaining to the process for awarding and overseeing the contracts.

(5) The Board of Trustees of the University of Arkansas, the Board of Trustees of Arkansas State University, and the Arkansas Lottery

Commission shall be exempt from review and approval by the authority and any regulations promulgated by it, provided that the Board of Trustees of the University of Arkansas, the Board of Trustees of Arkansas State University, and the Arkansas Lottery Commission have adopted policies and procedures involving the awarding and oversight of the contracts for design and construction services.

(6) All procedures pertaining to the contracts shall provide, to the extent practicable, substantial uniformity between these institutions with respect to the policies and procedures to be followed.

(c)(1) For all projects contemplated or contracted for, the authority shall:

(A) Review and approve the advertisement as stated in subsection (d) of this section, the scope of work, the site selection, funding review, and, to the extent available, all project drawings, plans, and specifications prior to any solicitation of proposals for the project;

(B) Conduct on-site observations of the construction project on a regular basis and maintain project records; and

(C)(i) Review and approve all contract amendments.

(ii) State agencies shall submit a summary of all contract amendments to the Legislative Council;

(2)(A) The institutions of higher education stated in subdivision (b)(5) of this section shall perform all duties and responsibilities stated in subdivision (c)(1) of this section under policies and procedures adopted by their governing boards.

(B) They shall submit a summary of all contract amendments to the Legislative Council.

(d)(1) The selection procedures for the construction manager, general contractor, architect, or engineer shall provide for solicitation for qualified, licensed professionals to submit proposals.

(2) The procedures shall assure the design and completion of the project in an expeditious manner while adhering to high standards of design and construction quality.

(3) The state agency and each institution of higher education stated in subdivision (b)(5) of this section shall:

(A) Publish notice of its intention to receive written proposals three (3) consecutive days in a newspaper of statewide distribution;

(B) Allow a minimum of ten (10) working days for the professionals to send letters or resumes in response to newspaper advertisement; and

(C) Provide additional means of notification, if any, as the state agency or institution of higher education stated in subdivision (b)(5) of this section shall determine is appropriate.

(e)(1)(A) A preselection committee, which shall be composed of no more than three (3) members from the state agency and two (2) members from the authority shall review the proposals.

(B) A preselection committee for institutions of higher education stated in subdivision (b)(5) of this section shall consist of at least three (3) members as determined by each of the institutions, and the members may be from the authority.

(C) The preselection committee shall select a maximum of five (5) applicants and schedule interviews.

(D) The state agency or an institution of higher education as stated in subdivision (b)(5) of this section shall notify the finalists of their status.

(2)(A) The final selection committee shall be composed of the (3) three members from the state agency on the preselection committee.

(B) The final interviews shall be held at the time and date as designated by the final selection committee.

(C) Representatives of the authority may attend the final selection meeting, but shall not vote in the final selection process.

(D) The final selection committee for institutions of higher education stated in subdivision (b)(5) of this section shall consist of at least three (3) members as determined by each of the institutions.

(E) Members of a preselection committee may also serve as members of the final selection committee of the institutions.

(F) In selecting a general contractor, construction manager, architect, or engineer, the state agency or institution of higher education as stated in subdivision (b)(5) of this section shall consider their established criteria which shall include, but are not limited to, the following:

(i) The experience of the professional or professionals in similar projects;

(ii) The record of the professional or professionals in timely completion of the projects with high quality workmanship; and

(iii) Other similar matters to determine that the professional or professionals will complete the project within the time and budget and to the specifications set by the state agency or institution of higher education as stated in subdivision (b)(5) of this section.

(3)(A) The final selection committee shall select or make a formal recommendation to its governing body of the professional or professionals which it determines to be in the best interest of the state.

(B) Contracts for architectural, engineering, and land surveying professional consultant services shall be negotiated on the basis of demonstrated competence and qualifications for the type of services required and at fair and reasonable prices without the use of competitive bidding, and no rule or regulation shall inhibit the agency's authority to negotiate fees for the services.

(C) The final selection committee for the institutions of higher education as stated in subdivision (b)(5) of this section shall make a recommendation to its governing board or appropriate committee thereof of the professional or professionals which it determines to be in the best interest of the institution, and the governing board shall make the final decision and authorize the contract or contracts to be negotiated and awarded, unless it has delegated the action to a committee of the board.

(f)(1) Construction contracts for the projects shall not be entered into without a payment and performance bond in the amount of the contract

and any amendments thereto and shall provide for the manner in which the construction shall be managed and supervised.

(2) All project architects and engineers shall be properly licensed in accordance with the Arkansas State Board of Architects, Landscape Architects, and Interior Designers and the State Board of Licensure for Professional Engineers and Professional Surveyors.

(3) The construction manager or general contractor shall be properly licensed by the Contractors Licensing Board.

(4)(A) All subcontractors on the project shall be properly licensed by the Contractors Licensing Board.

(B) Any person who is not considered a contractor under § 17-25-101 et seq. may continue to perform subcontracting work under the provisions of this subchapter.

(g)(1) To enable a state agency or an institution of higher education as stated in subdivision (b)(5) of this section to qualify under this section, the funds shall be paid to or for the benefit of the state agency or institution of higher education, or to a fund or foundation for the benefit of the state agency or institution of higher education.

(2) The funds may be represented in whole or in part by a written pledge or commitment from a donor, provided that the state agency or institution of higher education shall assure itself of the financial stability of the donor to fulfill the pledge or commitment.

(h) All projects constructed pursuant to this section, to the extent applicable, shall be in accordance and compliance with:

(1) Section 17-38-101 et seq., regulating plumbers;

(2) Section 17-33-101 et seq., regulating the heating, ventilation, air conditioning, and refrigeration industry;

(3) The Fire Prevention Act, § 12-13-101 et seq.;

(4) Section 12-80-101 et seq., regarding earthquake resistant design for public structures;

(5) Americans with Disabilities Act Accessibility Guidelines, 28 C.F.R. Part 36, Appx. A, adopted by the authority; and

(6)(A) The minimum standards of the authority and criteria pertaining to projects constructed under this section.

(B)(i) However, institutions of higher education as stated in subdivision (b)(5) of this section shall be exempt from these standards and criteria, provided that the institutions shall have adopted policies and procedures involving the awarding and oversight of contracts for projects under this section.

(ii) It is the intention of this section that all procedures adopted by these institutions pertaining to the contracts shall provide, to the extent practicable, substantial uniformity between these institutions with respect to the policies and procedures to be followed.

(iii) Notwithstanding anything in this subsection to the contrary, the provisions of §§ 19-4-1405(f), 19-4-1413, 19-11-801, 22-9-101, 22-9-103, 22-9-104, 22-9-212, 22-9-213, § 22-9-301 et seq., § 22-9-401 et seq., § 22-9-501 et seq., § 22-9-601 et seq., and § 22-9-701 et seq. shall remain in full force and effect and shall not be affected by this section.

**History.** Acts 2001, No. 1626, § 1; 2003, No. 364, § 7; 2003, No. 1315, § 2; 2005, No. 859, § 3; 2009, No. 193, § 5; 2009, No. 605, § 18; 2009, No. 606, § 18; 2009, No. 1405, § 26.

**A.C.R.C. Notes.** Acts 2010, No. 256, § 7, provided: "CONSTRUCTION. The Board of Trustees of Henderson State University shall be included as an exempt institution related to projects exceeding five million dollars (\$5,000,000) provided that the institution shall have adopted policies and procedures involving the awarding and oversight of the contracts for design and construction services in

compliance with State Law."

**Amendments.** The 2009 amendment by No. 193 inserted "22-9-212" in (h)(6)(B)(iii).

The 2009 amendment by identical acts Nos. 605 and 606 inserted "and the Arkansas Lottery Commission" in (b)(5), and made a related change.

The 2009 amendment by No. 1405 substituted "Board of Trustees of the University of Arkansas, the Board of Trustees of Arkansas State University, and the Arkansas Lottery Commission" for "institutions shall" in (b)(5).

## CASE NOTES

### Constitutionality.

Arkansas Constitution, Art. 19, § 16, applied only to county contracts. Therefore, Ark. Code Ann. § 19-4-1413 and this section, which allowed for state contracts

to be let without competitive bidding in certain circumstances, were not unconstitutional under § 16. *Gatzke v. Weiss*, 375 Ark. 207, 289 S.W.3d 455 (2008).

### 19-4-1416. Job order contracting.

(a) As used in this section:

(1) "Job order contracting" means the acquisition of contracting services using a selection method that requires contractors to submit qualifications and prices based on wage rates inclusive of fringes and burden, plus a pricing matrix for markups on materials and subcontractors; and

(2)(A) "On-call contracting" means the ability of the state agency or institution of higher education to continue to call upon the successful bidder to conduct additional construction services as required by the state agency or institution of higher education.

(B) The contractor shall be required to bid all subcontractor work and the state agency or the institution of higher education shall receive and open the bids with the contractor present at bid opening date.

(b) The state agency or the institution of higher education may supply all materials for the work with no additional markup if the materials may be purchased off state contracts at a lesser price than the contractor would be able to procure.

(c)(1)(A) After a state agency or institution of higher education has prepared appropriate scope documents and achieved appropriate reviews, it shall advertise for bids and award and file contracts for the contemplated work as identified in §§ 19-4-1401 — 19-4-1405.

(B) Additional work may be awarded based upon the initial bid within the fiscal year.

(2)(A) The bidder may not submit a multiplier representing estimated cost inflation as part of the formal bid process.

(B) The bid will represent the fixed price amount for the fiscal year.

(3) The most qualified bidder offering the best value for the state agency or the institution of higher education shall be selected to perform the construction services identified in the construction specifications.

(d)(1) Job order contracting bid awards:

(A) Shall not extend beyond one (1) fiscal year; and

(B) Shall not exceed:

(i) Four hundred thousand dollars (\$400,000) per construction job for the first year of the contract for state agencies and institutions of higher education with education and general appropriations beginning in the 2009 fiscal year and each fiscal year thereafter equal or exceeding ten million dollars (\$10,000,000); and

(ii) One hundred thousand dollars (\$100,000) per construction job for state agencies or institutions of higher education with education and general appropriations beginning in the 2009 fiscal year and each fiscal year thereafter of less than ten million dollars (\$10,000,000).

(2) However, reasonable extensions may be granted at the beginning of each new fiscal year not to exceed a total of four (4) years, if:

(A) The price remains mutually agreeable to the state agency or the institution of higher education and the contractor; and

(B) The quality of the work is satisfactory to the state agency or the institution of higher education.

(3) On or before the four-year threshold, the state agency or the institution of higher education shall bid the construction service to assure competitive opportunities and lowest cost circumstances.

(e)(1) Executed counterparts of a contract entered into by a state agency with respect to job order projects shall be approved by and filed with the Arkansas Building Authority before the issuance of any vouchers making payments under the contract.

(2)(A) The boards of trustees of the University of Arkansas, Arkansas State University, University of Central Arkansas, Henderson State University, Arkansas Tech University, and Southern Arkansas University are exempt from the requirements of this section regarding the approval and filing of the contracts with the authority.

(B)(i) With the exception of those boards of trustees listed in subdivision (e)(2)(A) of this section, the governing board of a public institution of higher education is exempt from filing the contracts with the authority if it receives the approval of the Department of Higher Education.

(ii) Before granting approval, the department shall review and approve the policies and procedures regarding bidding and construction of capital improvement projects as adopted by the governing board of the public institution of higher education.

(3) A public institution of higher education that is exempt under this section may enter into an agreement with the authority to file its contracts with the authority.

**History.** Acts 2003, No. 1476, § 1; 2009, No. 193, § 6; 2009, No. 206, § 1.

**Amendments.** The 2009 amendment by No. 193 added (e) and made minor stylistic changes.

The 2009 amendment by No. 206, in (d), redesignated (d)(1), substituted “Four hundred thousand dollars (\$400,000)” for

“three hundred thousand dollars (\$300,000)” in (d)(1)(B)(i), substituted “beginning in the 2009 fiscal year and each fiscal year thereafter” for “for the 2003 fiscal year” in (d)(1)(B)(i) and (d)(1)(B)(ii), inserted “state” in (d)(1)(B)(ii) and (d)(3), and made related and stylistic changes.

## SUBCHAPTER 16 — SALARIES AND PAYROLL DISBURSEMENT

### SECTION.

19-4-1602. Payroll deductions.

19-4-1612. Overtime pay.

**A.C.R.C. Notes.** Acts 2011, No. 1103, § 73, provided: “TRANSFER PROCEDURES — PER DIEM MATCHING. If there is not sufficient appropriation, from funds deposited in the State Treasury or Cash Accounts of an agency, for personal services, or personal services matching for any state agency for the period ending June 30, 2012, for State agencies that process payroll through the Arkansas Administrative Statewide Information System for federal and state tax reporting as necessary to comply with the payment of stipends under United States Internal Revenue Code (IRC), 2001-Code-Vol, Sec 3401 and Treasury Regulations §31.3401(c)-1(a) and §1.1402(c)-2(b), and others which govern the reporting of income and payment of withholding and matching taxes for personal services, the agency shall request a transfer from appropriation provided for Personal Services and Personal Services Matching in the appropriation for Various State Agencies — U.S. IRC and Treasury Regulations herein, from the Chief Fiscal Officer of the State, stating clearly the amounts required for each item. Upon approval of the Chief Fiscal Officer of the State, the State Auditor shall be notified as to the amount and the purposes for which the appropriation is to be made and such appropriation as needed shall be established upon the books of the Department of Finance and Administration and the State Auditor. Provided, however, that in the event the total amount of transfer requested in any fiscal year exceeds Ten Thousand Dollars (\$10,000), the Chief Fiscal Officer of the State shall seek prior review by the Ar-

kansas Legislative Council or Joint Budget Committee before the transfer shall be made.

“The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012.”

Acts 2011, No. 1103, § 74, provided: “POSITION ESTABLISHMENT. The Chief Fiscal Officer of the State shall have the authority to establish such positions as necessary for State agencies to process payroll through the Arkansas Administrative Statewide Information System for federal and state tax reporting purposes as necessary to comply with the United States Internal Revenue Code (IRC), 2001-Code-Vol, Sec 3401 and Treasury Regulations §31.3401(c)-1(a) and §1.1402(c)-2(b), and others which govern the reporting of income and payment of withholding and matching taxes for personal services. The positions established shall not be considered as part of the total number of authorized positions for an agency and shall only be considered as placeholders for payments to individuals who are board or commission members or elected officials of the State that do not otherwise receive salaries or wages as defined in §19-4-521 for their personal services. Further, none of the positions established under this section shall imply eligibility for state retirement or state health insurance benefits. The establishment of such positions shall not exceed 250 positions in any fiscal year.”

**Effective Dates.** Acts 2009, Nos. 605 and 606, § 27: Mar. 25, 2009. Emergency clause provided: “It is found and determined by the General Assembly of the

State of Arkansas that the people of the State of Arkansas overwhelmingly approved the establishment of lotteries at the 2008 General Election; that lotteries will provide funding for scholarships to the citizens of this state; that the failure to immediately implement this act will cause a reduction in lottery proceeds that will harm the educational and economic success of potential students eligible to receive scholarships under the act; and that the state lotteries should be implemented as soon as possible to effectuate the will of the citizens of this state and

implement lottery-funded scholarships as soon as possible. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

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## **19-4-1602. Payroll deductions.**

- (a) Deductions from the payrolls of state employees, both regular and extra help, are authorized only for the following purposes:
  - (1) Withholding taxes;
  - (2) Social security contributions;
  - (3) Contributions to any state retirement system or approved plan of deferred compensation;
  - (4)(A) Group hospital, medical, and life insurance deductions.
    - (B) However, any payroll deductions through the Arkansas state mechanized payroll system for state employees for coverages other than the state-authorized plan shall be approved by the State and Public School Life and Health Insurance Board;
    - (5) Payments to state employees' credit unions;
    - (6) Value of maintenance perquisites;
    - (7) Payment of union dues, when requested in writing by state employees;
    - (8) Purchase of United States Government savings bonds;
    - (9) Arkansas State Employees Association dues, when requested in writing by those state employees;
    - (10) Fees for participation in the State Employees Benefit Corporation, when requested in writing by those state employees;
    - (11) Contributions to a major federated fund-raising organization, when authorized by those state employees;
    - (12) Arkansas State Police Association dues, when authorized in writing by those state employees;
    - (13) Fraternal Order of Police dues, when requested in writing by those state employees;
    - (14) Central Arkansas State Troopers Coalition dues, when authorized in writing by those state employees;
    - (15) Arkansas Rehabilitation Association dues, when authorized in writing by those state employees;
    - (16) Correctional Peace Officers Foundation dues, when authorized in writing by those state employees;

(17) Department of Correction Employees Association dues, when requested in writing by those employees;

(18) American Association of University Professors dues, when requested in writing by those employees;

(19) Arkansas Association of Correctional Employees Trust dues, when requested in writing by those employees;

(20) Department of Correction Bus Pool dues, when requested in writing by those employees;

(21)(A) Arkansas Tax-Deferred Tuition Savings Program under the Arkansas Tax-Deferred Tuition Savings Program Act, § 6-84-101 et seq., or a tax-deferred savings program established by another state under 26 U.S.C. § 529, as it existed on January 1, 2007.

(B) The tax-deferred savings plan must be in existence at the time the payroll deduction request is made.

(C) The state employee shall provide information on his or her Arkansas Tax-Deferred Tuition Savings Program account to the Department of Finance and Administration so that the payroll deduction can be credited to the appropriate account; and

(22) For such other purposes as are specifically authorized by law but not enumerated in this subsection.

(b) If a state employee authorizes in writing the payroll deduction of dues of any union or professional association representing the employee, the agency shall deduct the dues from the payroll of the employee and remit the dues to the organization.

(c) Deductions authorized by this section shall be made in compliance with rules, regulations, and procedures established by the Chief Fiscal Officer of the State.

**History.** Acts 1973, No. 876, § 23; 1975, No. 881, § 1; 1981, No. 251, § 1; 1983, No. 164, § 1; A.S.A. 1947, § 13-349; Acts 1987, No. 18, § 1; 1987, No. 646, § 3; 1989, No. 506, § 1; 1995, No. 1122, § 1; 1997, No. 747, § 1; 2001, No. 166, § 1; 2003, No. 1795, § 1; 2009, No. 368, § 1; 2011, No. 702, § 1.

**Amendments.** The 2009 amendment, in (a), made a minor stylistic change in (a)(17), inserted (a)(19) and (a)(20), redesignated the subsequent subdivision accordingly, and made related changes.

The 2011 amendment inserted present (21) and redesignated former (21) as (22).

## 19-4-1604. Salary from two agencies.

### CASE NOTES

#### Withdrawal.

On appeal of defendant's conviction for capital murder, the public defender was entitled to be relieved as counsel because he was ineligible to receive compensation

for his work on appeal under subdivision (b)(2)(B) of this section. *Page v. State*, 373 Ark. 193, 282 S.W.3d 813 (2008).

**Cited:** *Kelley v. State*, 2010 Ark. 229, — S.W.3d — (2010).

**19-4-1612. Overtime pay.**

(a) It is the policy of the State of Arkansas that overtime pay for state employees is the least desirable method of compensation for overtime work.

(b)(1) All state departments, agencies, boards, commissions, and institutions may pay overtime to its employees, under the rules and regulations set out by the federal Fair Labor Standards Act.

(2)(A) The Chief Fiscal Officer of the State will specify those specific employees or groups of employees other than employees of the Arkansas State Highway and Transportation Department and the Arkansas Lottery Commission eligible to receive overtime compensation, the circumstances under which overtime pay is to be allowed, and such other matters which the Chief Fiscal Officer of the State may deem appropriate and necessary to comply with the federal Fair Labor Standards Act as regards the payment of overtime compensation.

(B) The Director of State Highways and Transportation shall make these determinations as to employees of the Arkansas State Highway and Transportation Department.

(C) The Director of the Arkansas Lottery Commission shall make these determinations as to employees of the Arkansas Lottery Commission.

(c) The rules and regulations authorized by this section shall not go into effect until the Chief Fiscal Officer of the State, or the Arkansas State Highway and Transportation Department as to its employees, has sought the advice of the Legislative Council.

(d) In the event that the federal Fair Labor Standards Act is held, for whatever reason, to be nonapplicable to state employment, then any state department, agency, board, commission, or institution may pay overtime to its employees only if the General Assembly has given authorization by an appropriation.

**History.** Acts 1973, No. 876, § 23; 1976  
(Ex. Sess.), No. 1, § 1; 1977, No. 118, § 1;  
1985, No. 820, § 1; A.S.A. 1947, § 13-349;  
Acts 2009, No. 605, § 19; 2009, No. 606,  
§ 19.

**Amendments.** The 2009 amendment  
by identical acts Nos. 605 and 606 in-  
serted "and the Arkansas Lottery Com-  
mission" in (b)(2)(A), and inserted  
(b)(2)(C).

## **CHAPTER 5**

### **REVENUE STABILIZATION LAW**

**SUBCHAPTER.**

2. FUNDS AND ACCOUNTS GENERALLY.
3. GENERAL REVENUE OPERATING FUNDS AND FUND ACCOUNTS.
4. DISTRIBUTION OF GENERAL REVENUES.
5. BUDGET STABILIZATION TRUST FUND.
9. TRUST FUNDS.
10. MISCELLANEOUS FUNDS.
11. TRUST FUNDS CONTINUED. .

## SUBCHAPTER

## 12. MISCELLANEOUS FUNDS CONTINUED.

**SUBCHAPTER 2 — FUNDS AND ACCOUNTS GENERALLY**

## SECTION.

19-5-205. Constitutional Officers Fund

and State Central Services Fund.

**Effective Dates.** Acts 2010, No. 262, § 17: July 1, 2010. Emergency clause provided: “It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state’s fiscal laws must take effect at the beginning of the fiscal year, that the effectiveness of this act on July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval, is essential to the operation of the agencies for which allocations in this act are provided, and the delay in the effective date of this act beyond July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval, could work irreparable harm upon the proper administration and provision of essential government programs. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval.”

Acts 2010, No. 296, § 17: July 1, 2010. Emergency clause provided: “It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state’s fiscal laws must take effect at the beginning of the fiscal year, that the effectiveness of this act on July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its pas-

sage and approval, is essential to the operation of the agencies for which allocations in this act are provided, and the delay in the effective date of this act beyond July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval, could work irreparable harm upon the proper administration and provision of essential government programs. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval.”

Acts 2011, No. 1136, § 3: Apr. 4, 2011. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that failure to fully finance the expenditures and obligations of the State Central Services Fund could work irreparable harm on the proper administration and provision of essential government programs. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

**19-5-205. Constitutional Officers Fund and State Central Services Fund.**

(a) The elected constitutional officers and their departments of government as established by the Arkansas Constitution and certain state departments and employees of state departments are known and recognized as performing and rendering, either individually or collectively, services to every other state agency. The General Assembly declares that the services rendered are embraced under or by one (1) or more of the items or agencies as follows:

(1) Services rendered by the legislative, judicial, and executive departments of the state as recognized by the Arkansas Constitution;

(2) Services rendered by the Chief Fiscal Officer of the State for management of the state's resources relating to general fiscal affairs, administering the budget, accounting, purchasing, personnel, and other applicable fiscal laws; and

(3) Those agencies supported from the State Central Services Fund, which collect the general revenue and special revenues as defined in the Revenue Classification Law, § 19-6-101 et seq., or such other laws as may be enacted by the General Assembly.

(b)(1) Those departments and activities of the state which perform the services as set out in subdivision (a)(1) of this section are declared to be the following:

(A) The General Assembly, including State Capitol renovation of the General Assembly quarters, Senate and House of Representatives legislative session staff, interim expenses incurred by members of the Senate and House of Representatives, and the appropriations contained in the general appropriation bill made for services of the General Assembly;

(B) The Governor;

(C) The Lieutenant Governor;

(D) The Secretary of State;

(E) The Attorney General;

(F) The Treasurer of State;

(G) The Commissioner of State Lands;

(H) The Auditor of State;

(I) The Supreme Court;

(J) The Court of Appeals; and

(K) The circuit courts and prosecuting attorneys.

(2) Those agencies and activities of the state which perform the services as set out in subdivisions (a)(2) and (3) of this section are declared to be the following:

(A) Senate and House of Representatives interim staff;

(B) The Bureau of Legislative Research, and interim committee and interim committee study expenses of the Legislative Council;

(C) The Division of Legislative Audit;

(D) Grants and contributions for the Commission on Interstate Cooperation [abolished];

- (E) The Secretary of State;
- (F) Office of Administrative Services of the Department of Finance and Administration and Revenue Division of the Department of Finance and Administration;
- (G) The Administrative Office of the Courts;
- (H) The Office of the Prosecutor Coordinator;
- (I) The Arkansas Governor's Mansion Commission;
- (J) The Arkansas State Claims Commission; and
- (K) Other activities supporting the legislative, executive, and judicial departments.

(c)(1)(A) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Constitutional Officers Fund", there to be used for the maintenance, operation, and improvements of those departments and activities as set out in subdivision (b)(1) of this section unless specific and separate funds are otherwise provided therefor.

(B) The Constitutional Officers Fund shall consist of:  
(i) One-third ( $\frac{1}{3}$ ) of the amount produced from the three percent (3%) deduction from the net general revenue deposited into the State Treasury;

(ii) One-third ( $\frac{1}{3}$ ) of the amount produced from the three percent (3%) deduction from the net special revenues collected and deposited into the State Treasury by the agencies set out in subsection (b) of this section; and

(iii) One-third ( $\frac{1}{3}$ ) of the amount produced from the one and one-half percent (1.5%) deduction from the net special revenues collected and deposited into the State Treasury by any other state agency, department, board, commission, or institution.

(C)(i) Any balance which remains in the Constitutional Officers Fund at the end of a fiscal year which exceeds seven percent (7%) of the appropriations funded from the Constitutional Officers Fund for the fiscal year just ended or which is estimated to be available for the fiscal year may be transferred from time to time to the State Central Services Fund for use in the next fiscal year.

(ii) If the funds transferred to the State Central Services Fund are based on an estimated balance which is less than the actual balance on June 30, the difference shall be transferred to the State Central Services Fund on or before August 1.

(iii) If the funds transferred to the State Central Services Fund are based on an estimated balance which is higher than the actual balance on June 30, the difference shall be transferred from the State Central Services Fund to the Constitutional Officers Fund on or before August 1.

(2) The Constitutional Officers Fund shall also be used to allow the payment of claims for judges due to overpayments into the Arkansas Judicial Retirement System prior to the enactment of §§ 24-6-204 and 24-8-201 — 24-8-211 by transfer to the Judges Retirement Fund in such amounts as may be appropriated by the General Assembly.

(d)(1) Facts before the General Assembly drawn from statistical computations, comparisons, and related data, taken over a period of many years in the past, are conclusive of the proposition that the cost of the services rendered by the agencies set out in subsection (b) of this section have amounted to not less than three percent (3%) of the total general revenues and special revenues as defined in the Revenue Classification Law of Arkansas, § 19-6-101 et seq.

(2) It is therefore declared to be the policy of the State of Arkansas that every agency supported in whole or in part from the general revenues or special revenues deposited into the State Treasury shall contribute to the support of the services rendered by the agencies set out in subsection (b) of this section.

(3) The purposes for which the taxes, licenses, or fees and other income defined to be general revenues or special revenues are raised and collected shall be deemed to include the services as defined in this section.

(e)(1)(A) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "State Central Services Fund", there to be used for the maintenance, operation, and improvements of those agencies and activities as set out in subdivision (b)(2) of this section unless specific and separate funds are otherwise provided therefor.

(B) The State Central Services Fund shall consist of:

(i) Those special revenues as specified in § 19-6-301(9), (11), (19), (21), (37), (75), (76), (77), (78), (79), (82), (83), (84), (85), (86), (87), (88), (89), (91), (96), (116), (118), (120), (124), (149), (188), (231), and (243), and eight percent (8%) of those special revenues as set out in § 19-6-301(20) of the Revenue Classification Law, § 19-6-101 et seq.;

(ii) The amount produced from the deduction from the net general revenues deposited into the State Treasury;

(iii) The amount produced from the deduction from the net special revenues collected and deposited into the State Treasury by the agencies set out in subsection (b) of this section;

(iv) The amount produced from the deduction from the net special revenues collected and deposited into the State Treasury by any other state agency, department, board, commission, or institution;

(v) All earnings and income collected by any of those agencies set out in subsection (b) of this section;

(vi) Funds received from federal funds on account of indirect cost reimbursement collected under a statewide indirect cost allocation plan and paid to any of the agencies set out in subsection (b) of this section;

(vii) Any other funds received from the federal government granted specifically to the agencies as set out in subsection (b) of this section, unless otherwise required by the grantor federal agency;

(viii) Interest earned on Social Security trust funds which are remitted to the Arkansas Public Employees' Retirement System and held in banks until transmitted to the federal Social Security Administration;

- (ix) Reimbursements by transfer from the Ad Valorem Tax Fund on account of expenditures made to the Division of Legislative Audit;
- (x) Such general revenues as may be provided by the General Assembly;
- (xi) One and one-half percent (1.5%) of those cash funds of those state agencies as defined in § 19-5-206;
- (xii) Such fund balances as may exist on June 30, 1995, in the Public Defender Fund of the State Treasury and all such funds as may accrue to and be transferred from the Public Defender Fund by the Treasurer of State on the last day of each month;
- (xiii) Moneys transferred or deposited from the State Administration of Justice Fund for the benefit of the Arkansas Public Defender Commission;
- (xiv) Public defender attorney's fees to be used solely to defray costs for the Arkansas Public Defender Commission as set out in § 5-4-303(i)(2)(A);
- (xv) Public defender user fees to be used to defray the costs of the public defender system, § 16-87-213;
- (xvi) That portion of nonrefundable fees charged by bail bond companies for the Arkansas Public Defender Commission, § 17-19-301(e); and
- (xvii) The first one hundred thousand dollars (\$100,000) collected in taxes and penalties under § 26-26-1614 and deposited as nonrevenue receipts during each fiscal year for use by the Revenue Division of the Department of Finance and Administration, § 26-26-1616.

(2) If required to help meet the commitments of the State Central Services Fund and if funds are determined to be available, the Chief Fiscal Officer of the State may transfer a sum not to exceed four million dollars (\$4,000,000) during any fiscal year from the Budget Stabilization Trust Fund to the State Central Services Fund.

(3)(A) After all other deductions and transfers from other sources authorized by law have been made available to the State Central Services Fund, the Chief Fiscal Officer of the State shall transfer such additional amounts as may be required from the General Revenue Fund Account to the State Central Services Fund to fully finance the expenditures and obligations from the appropriations set out in this section.

(B)(i) The amount of the transfer shall be determined by subtracting the total of all estimated expenditures from the State Central Services Fund from the total resources available to the State Central Services Fund without a transfer of general revenue.

(ii) Then the result shall be multiplied by the proportion that the estimated expenditures for the budgets as set out in subdivision (e)(3)(C) of this section bears to the total of all the estimated expenditures from the State Central Services Fund.

(iii) The product shall be the amount of general revenue required to meet the expenditures and commitments of the agencies and budget set out in subdivision (e)(3)(C) of this section.

(C) The appropriations to which this subdivision (e)(3) applies are determined to be the:

- (i) House of Representatives;
- (ii) Senate;
- (iii) Division of Legislative Audit of the Legislative Joint Auditing Committee;
- (iv) Bureau of Legislative Research;
- (v) Bureau of Legislative Research — Disbursing Officer;
- (vi) Court of Appeals;
- (vii) Administrative Office of the Courts — Operations;
- (viii) Supreme Court;
- (ix) Governor;
- (x) Lieutenant Governor;
- (xi) Attorney General;
- (xii) Auditor of State — Operations;
- (xiii) Commissioner of State Lands;
- (xiv) Secretary of State;
- (xv) Treasurer of State;
- (xvi) Department of Finance and Administration — Division of Administrative Services:
  - (a) Director's Office;
  - (b) Director's Office — Office of Economic Analysis and Tax Research;
  - (c) Office of Accounting;
  - (d) Office of Budget;
  - (e) Office of Personnel Management; and
  - (f) Office of Administrative Services — Office of Information Services; and
- (xvii) Department of Finance and Administration — Revenue Division.

(D) The Chief Fiscal Officer of the State shall notify the disbursing officers of the appropriations from the State Central Services Fund not enumerated in subdivision (e)(3)(C) of this section of the amount of their portion of any reduction required from their authorized appropriations in order to maintain the fund with a projected positive balance.

(E) In no event shall any funds or appropriations for that particular disbursing agency enumerated in subdivision (e)(3)(C) of this section be affected if a deficit occurs in other State Central Services Fund appropriations or funds not enumerated in subdivision (e)(3)(C) of this section for that particular disbursing agency.

(4) [Expired.]

**History.** Acts 1973, No. 750, § 5; 1979, No. 1013, § 1; 1983, No. 392, § 2; 1983, No. 801, § 3; 1985, No. 888, §§ 1, 2; 1985 (1st Ex. Sess.), No. 3, § 1; A.S.A. 1947, §§ 13-511, 13-511.1; Acts 1987, No. 945, § 3; 1987 (1st Ex. Sess.), No. 24, § 2; 1989, No. 629, § 1; 1991, No. 1135, § 1; 1995, No. 1021, § 1; 1995, No. 1163, §§ 1, 2; 1997, No. 1248, §§ 1, 2; 1997, No. 1355, § 15; 1999, No. 904, § 16; 1999, No. 1463, § 1; 2001, No. 1646, § 1; 2003, No. 1022, § 3; 2003 (1st Ex. Sess.), No. 55, §§ 1, 26;

2005, No. 196, § 9; 2005, No. 2282, §§ 1, 2; 2005, No. 2316, §§ 1, 2; 2007, No. 1032, § 1; 2007, No. 1201, § 1; 2010, No. 262, § 1; 2010, No. 296, § 1; 2011, No. 1136, § 1.

**A.C.R.C. Notes.** Acts 2011, No. 1136, § 1, amended subdivision (e)(4) to read as follows: "In lieu of the transfer requirements under this subsection, during the biennial period ending June 30, 2011, to balance the agency budgets to available funding, the Chief Fiscal Officer of the State may enforce budget reductions in each agency that receives funding from the State Central Services Fund in an

amount that each agency's proportionate share of total estimated expenditures under subdivision (e)(3)(B)(i) of this section bears to the total estimated expenditures."

Acts 2011, No. 1136, § 2, provides: "SUNSET PROVISION. The provisions of this Act shall be in effect only from its passage and approval through June 30, 2011."

**Amendments.** The 2010 amendment by identical acts Nos. 262 and 296 inserted "(243)" in (e)(1)(B)(i).

The 2011 amendment rewrote (e)(4).

### SUBCHAPTER 3 — GENERAL REVENUE OPERATING FUNDS AND FUND ACCOUNTS

#### SECTION.

19-5-302. State General Government Fund.  
19-5-303. Institutions of higher education funds.  
19-5-304. Education Fund.

#### SECTION.

19-5-305. Public School Fund.  
19-5-306. Department of Human Services Fund.  
19-5-307. Public Health Fund.

**Effective Dates.** Acts 2009, No. 1414, § 17: July 1, 2009. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2009 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2009 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2009."

Acts 2009, Nos. 1440 and 1441, § 11: July 1, 2009. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state's fiscal laws must take effect at the beginning of the fiscal year, that if the current legislative

session is extended such that the 90 day period is later than July 1, 2009 the changes will not be timely. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2009."

Acts 2010, No. 262, § 17: July 1, 2010. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state's fiscal laws must take effect at the beginning of the fiscal year, that the effectiveness of this act on July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval, is essential to the operation of the agencies for which allocations in this act are provided, and the delay in the effective date of this act beyond July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval, could work irreparable harm upon the proper administration and provision of essential government programs. Therefore, an emergency

is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval."

Acts 2010, No. 296, § 17: July 1, 2010. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state's fiscal laws must take effect at the beginning of the fiscal year, that the effectiveness of this act on July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval, is essential to the operation of the agencies for which allocations in this act are provided, and the delay in the effective date of this act beyond July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval, could work irreparable harm upon the proper administration and provision of essential government programs. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval."

Acts 2010, No. 297, § 8: July 1, 2010. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1,

2010 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2010 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2010."

Acts 2011, No. 1095, § 18: July 1, 2011. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state's fiscal laws must take effect at the beginning of the fiscal year, that if the current legislative session is extended such that the 90 day period is later than July 1, 2011 the changes will not be timely. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2011."

Acts 2011, No. 1115, § 18: July 1, 2011. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state's fiscal laws must take effect at the beginning of the fiscal year, that if the current legislative session is extended such that the 90 day period is later than July 1, 2011 the changes will not be timely. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2011."

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## 19-5-302. State General Government Fund.

The State General Government Fund shall consist of the following fund accounts and funds made available for the support of the various departments of government as set out below and shall be used for the same purposes as set out for the following fund accounts:

(1)(A) DEPARTMENT OF CORRECTION INMATE CARE AND CUSTODY FUND ACCOUNT. The Department of Correction Inmate Care and Custody Fund Account shall be used for the maintenance, operation, and improvement of the Department of Correction required in carrying

out those powers, functions, and duties relating to nonfarm or crop-producing programs as established by law.

(B) The Department of Correction Inmate Care and Custody Fund Account shall consist of:

- (i) Those general revenues as may be provided by law;
- (ii) Nonrevenue income derived from services provided by the inmate care and custody program;
- (iii) Excess farm profits as may be provided by law; and
- (iv) Any other funds provided by law;

(2)(A) STATE MILITARY DEPARTMENT FUND ACCOUNT. The State Military Department Fund Account shall be used for the maintenance, operation, and improvement of the State Military Department required in carrying out the powers, functions, and duties as set out in § 12-60-101 et seq., or other duties imposed by law upon the State Militia, State Military Department, and the Arkansas Wing of the Civil Air Patrol, which was separated from the Department of Public Safety by Acts 1981, No. 45, §§ 4 and 5.

(B) The State Military Department Fund Account shall consist of:

- (i) Those general revenues as may be provided by law;
- (ii) Nonrevenue income derived from services provided by the department; and
- (iii) Any other funds as may be provided by law.

(C) Federal reimbursement funds received on account of eligible expenditures by the State Militia or the State Military Department shall be deposited into the Special Military Fund established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State, there to be used as may be provided by law;

(3)(A) PARKS AND TOURISM FUND ACCOUNT. The Parks and Tourism Fund Account shall be used for the maintenance, operation, and improvement required by the Department of Parks and Tourism as created by § 25-13-101, or other duties imposed by law upon the Department of Parks and Tourism, the State Parks, Recreation, and Travel Commission, the Prairie Grove Battlefield State Park Advisory Commission, the Arkansas History Commission, or upon any state park of Arkansas.

(B) The Parks and Tourism Fund Account shall consist of:

- (i) Those general revenues as may be provided by law;
- (ii) Nonrevenue income derived from services provided by the various divisions of the Department of Parks and Tourism; and
- (iii) Any other funds that may be provided by law.

(C) Funds received by the various state parks under the direction of the Department of Parks and Tourism which are not required to be deposited into the State Treasury shall be deposited into banks, there to be disbursed as may be appropriated by the General Assembly or to be used as may be otherwise provided by law;

(4)(A) ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY FUND ACCOUNT.

The Arkansas Department of Environmental Quality Fund Account shall be used for the maintenance, operation, and improvement

required by the Arkansas Department of Environmental Quality in carrying out the powers, functions, and duties as set out in Title 8, Chapters 1-10, or other duties imposed by law upon the Arkansas Pollution Control and Ecology Commission which were transferred to the Arkansas Department of Environmental Quality under the provisions of § 25-14-101.

(B) The Arkansas Department of Environmental Quality Fund Account shall consist of:

- (i) Those general revenues as may be provided by law;
- (ii) Such funds received from the Arkansas State Game and Fish Commission and from the Oil and Gas Commission as may be provided by law;
- (iii) Nonrevenue income derived from services provided by the Arkansas Department of Environmental Quality; and
- (iv) Any other funds provided by law;

(5)(A) ARKANSAS ECONOMIC DEVELOPMENT COMMISSION FUND ACCOUNT. The Arkansas Economic Development Commission Fund Account shall be used for the maintenance, operation, and improvement required by the Arkansas Economic Development Commission and the Arkansas Economic Development Council in carrying out the powers, functions, and duties as set out in §§ 15-4-101, 15-4-102, 15-4-201 — 15-4-204, 15-4-206, 15-4-209 — 15-4-212, 15-4-501 — 15-4-524, and 15-10-201 — 15-10-206, or other duties imposed by law upon the Arkansas Economic Development Commission or the Arkansas Energy Office.

(B) The Arkansas Economic Development Commission Fund Account shall consist of:

- (i) Those general revenues as may be provided by law;
- (ii) Nonrevenue income derived from services performed by the various divisions of the Arkansas Economic Development Council; and
- (iii) Any other funds that may be provided by law;

(6)(A) DEPARTMENT OF HIGHER EDUCATION FUND ACCOUNT. The Department of Higher Education Fund Account shall be used for the maintenance, operation, and improvement required by the Department of Higher Education in carrying out the duties imposed by law upon the Arkansas Higher Education Coordinating Board or the Commission on Coordination of Educational Finance, which was transferred to the Arkansas Higher Education Coordinating Board and to the Department of Higher Education, under the provisions of § 25-7-101.

(B) The Department of Higher Education Fund Account shall consist of:

- (i) Those general revenues as may be provided by law;
- (ii) Federal reimbursement on account of eligible expenditures made by the Department of Higher Education;
- (iii) Nonrevenue income derived from services provided by the Department of Higher Education; and
- (iv) Any other funds provided by law;

(7)(A) DEPARTMENT OF LABOR FUND ACCOUNT. The Department of Labor Fund Account shall be used for the maintenance, operation, and improvement required by the Department of Labor in carrying out those powers, functions, and duties imposed by law upon the Director of the Department of Labor or the Department of Labor, or upon the State Mine Inspector as set out in § 11-7-201 et seq., or any other duties that may be imposed by law upon the Department of Labor which was transferred to the Department of Labor by § 25-12-101.

(B) The Department of Labor Fund Account shall consist of:

- (i) Those general revenues as may be provided by law; and
- (ii) Any other funds as may be provided by law, including federal reimbursement received on account of eligible expenditures by the various programs of the Department of Labor operating from and having appropriations made payable from the fund account;

(8)(A) LIVESTOCK AND POULTRY FUND ACCOUNT. The Livestock and Poultry Fund Account shall be used for the maintenance, operation, and improvement of the Arkansas Livestock and Poultry Commission, which was separated from the Department of Commerce by Acts 1981, No. 867, § 1, in carrying out the functions, powers, and duties as set out in § 2-33-101 et seq., or other duties imposed by law upon the Arkansas Livestock and Poultry Commission.

(B) The Livestock and Poultry Fund Account shall consist of:

- (i) Those general revenues as may be provided by law; and
- (ii) Any other funds provided by law;

(9)(A) MISCELLANEOUS AGENCIES FUND ACCOUNT. The Miscellaneous Agencies Fund Account may be used for the state's membership in regional or national associations, grants to certain organizations, and maintenance, operations, and improvements of appropriation units as may be authorized by the General Assembly.

(B) The Miscellaneous Agencies Fund Account shall consist of:

- (i) Those general revenues as may be provided by law;
- (ii) Nonrevenue income derived from services provided by the various agencies and programs funded from the Miscellaneous Agencies Fund Account;

(iii) Federal reimbursement received on account of eligible expenditures of the various agencies and programs receiving primary support from the Miscellaneous Agencies Fund Account;

(iv) Those special revenues as specified in subdivision (233) and that portion of subdivision (201) in § 19-6-301 of the Revenue Classification Law, § 19-6-101 et seq.; and

(v) That portion of forfeited registration fees for beer kegs sold for off-site consumption.

(C) If there are not sufficient funds available in the Miscellaneous Agencies Fund Account to support the amounts appropriated from the Miscellaneous Agencies Fund Account, the Chief Fiscal Officer of the State shall determine the amount of moneys to be made available for each of the appropriations made from the Miscellaneous Agencies Fund Account, after having first provided full funding for all national

and regional association dues and ensured that the appropriations made for the Arkansas State Highway and Transportation Department for road and bridge repair and maintenance are funded pursuant to the maximum funding allocation provided by law;

(10) DEPARTMENT OF ARKANSAS HERITAGE FUND ACCOUNT. The Department of Arkansas Heritage Fund Account shall consist of those general revenues as provided by law for the Department of Arkansas Heritage and shall be used for the maintenance, operation, and improvement of the Department of Arkansas Heritage;

(11)(A) HIGHER EDUCATION GRANTS FUND ACCOUNT. The Higher Education Grants Fund Account shall be used for the:

(i) State's contribution for tuition support for Arkansas students attending out-of-state schools in dentistry, optometry, veterinary, podiatry, osteopathy, and chiropractic; and

(ii) Disbursement of funds for the Arkansas Academic Challenge Scholarship Program, and other various scholarship, loan, and grant programs as authorized by law and administered by the Department of Higher Education or other state agencies made disbursing agents by the General Assembly from the Higher Education Grants Fund Account.

(B) The Higher Education Grants Fund Account shall consist of those general revenues and any other funds as may be provided by law;

(12)(A) DEPARTMENT OF COMMUNITY CORRECTION FUND ACCOUNT. The Department of Community Correction Fund Account shall be used for the maintenance, operation, and improvement of the Department of Community Correction required in carrying out those powers, functions, and duties as established by law.

(B) The Department of Community Correction Fund Account shall consist of:

(i) Those general revenues as may be provided by law;

(ii) Nonrevenue income derived from services provided by the probation, parole, and community correction program; and

(iii) Any other funds provided by law;

(13)(A) HIGHER EDUCATION SALARY DISTRIBUTION FUND ACCOUNT. The Higher Education Salary Distribution Fund Account shall be used for the distribution of salary and cost-of-living adjustments to the various institutions of higher education.

(B) The Higher Education Salary Distribution Fund Account shall consist of those general revenues and any other funds as may be provided by law;

(14)(A) ARKANSAS AGRICULTURE DEPARTMENT FUND ACCOUNT. The Arkansas Agriculture Department Fund Account shall be used for the maintenance, operation, and improvement required by the Arkansas Agriculture Department in carrying out those powers, functions, and duties imposed by law upon the Secretary of the Arkansas Agriculture Department as set out in Title 25, Chapter 38, or any other duties that may be imposed by law upon the Arkansas Agriculture

Department which were transferred to the Arkansas Agriculture Department under the provisions of §§ 25-38-204 — 25-38-206.

(B) The Arkansas Agriculture Department Fund Account shall consist of:

(i) Those general revenues as may be provided by law;

(ii) Nonrevenue income derived from services provided by the various divisions of the Arkansas Agriculture Department;

(iii) Federal reimbursement received on account of eligible expenditures by the various programs of the Arkansas Agriculture Department operating from and having appropriations made payable from the fund account; and

(iv) Any other funds as may be provided by law.

**History.** Acts 1973, No. 750, § 6; 1975, No. 868, §§ 4-7; 1977, No. 955, §§ 7-11; 1979, No. 1115, §§ 2, 9; 1981, No. 938, §§ 4-6; 1983, No. 801, § 9; 1985, No. 888, § 7; A.S.A. 1947, § 13-521; Acts 1989, No. 629, §§ 2, 3, 9; 1993, No. 324, § 3; 1993, No. 728, § 40; 1993, No. 911, § 10; 1993, No. 953, § 16; 1993, No. 1073, § 1; 1995, No. 158, § 22; 1995, No. 455, § 1; 1995, No. 1163, §§ 3-5, 28, 29; 1997, No. 156, § 3; 1997, No. 540, § 41; 1997, No. 1248, §§ 4, 5; 1999, No. 646, § 57; 1999, No. 935, § 6; 1999, No. 1164, § 157; 1999, No. 1323, § 48; 1999, No. 1463, §§ 2, 29; 1999, No. 1508, § 8; 2001, No. 577, § 2; 2001, No. 1646, §§ 2, 20; 2001, No. 1800, § 3; 2003 (1st Ex. Sess.), No. 25, § 15; 2003 (1st Ex. Sess.), No. 55, § 24; 2005, No. 2282, § 9; 2005, No. 2316, § 9; 2007, No. 1032, §§ 2, 3; 2007, No. 1201, §§ 2, 3; 2010, No. 297, § 3; 2011, No. 856, § 2; 2011, No. 1095, § 1; 2011, No. 1115, § 1.

**A.C.R.C. Notes.** Acts 2011, No. 1095, § 11, provided: "Any funds appropriated by the Eighty-Eighth General Assembly from the Department of Economic Development Fund Account shall be deemed payable from the Arkansas Economic Development Commission Fund Account."

Acts 2011, No. 1115, § 11, provided: "Any funds appropriated by the Eighty-Eighth General Assembly from the Department of Economic Development Fund Account shall be deemed payable from the Arkansas Economic Development Commission Fund Account."

**Amendments.** The 2010 amendment added "and ensured...allocation provided by law" at the end of (9)(C).

The 2011 amendment by acts Nos. 856, 1095, and 1115 substituted "Arkansas Economic Development Commission" for "Department of Economic Development" in two places in (5)(A) and in the introductory language of (5)(B).

### 19-5-303. Institutions of higher education funds.

(a)(1) UNIVERSITY OF ARKANSAS FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "University of Arkansas Fund".

(2) The University of Arkansas Fund shall be used for the maintenance, operation, and improvement of the University of Arkansas, including the Fayetteville campus, the Cooperative Extension Service, the Arkansas Agricultural Experiment Stations, the Graduate Institute of Technology, the Arkansas Archeological Survey, and for such other related and miscellaneous programs as may be provided by law.

(3) The University of Arkansas Fund shall consist of:

(A) Those general revenues that may be provided by law;

(B) Those special revenues as set out in §§19-6-301(45), 19-6-301(229), and 19-6-301(232); and

(C) Funds received from the Budget Stabilization Trust Fund as authorized by § 19-5-501.

(b)(1) UNIVERSITY OF ARKANSAS MEDICAL CENTER FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "University of Arkansas Medical Center Fund".

(2) The University of Arkansas Medical Center Fund is to be used for the maintenance, operation, and improvement of the University of Arkansas for Medical Sciences and its various divisions and programs, including the area health education centers and physician extender programs.

(3) The University of Arkansas Medical Center Fund shall consist of:

- (A) Those general revenues as may be provided by law;
- (B) Those special revenues as set out in §19-6-301(224); and

(C) Any other funds made available for the support of the University of Arkansas for Medical Sciences which are required to be deposited into the State Treasury.

(c)(1) UNIVERSITY OF ARKANSAS AT LITTLE ROCK FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "University of Arkansas at Little Rock Fund".

(2) The University of Arkansas at Little Rock Fund shall be used for the maintenance, operation, and improvement of the Little Rock campus of the University of Arkansas and its various divisions and programs, including the Industrial Research and Extension Center.

(3) The University of Arkansas at Little Rock Fund shall consist of:

- (A) Those general revenues as may be provided by law;
- (B) Those special revenues as set out in § 19-6-301(229); and
- (C) Any other funds made available for the support of the University of Arkansas at Little Rock which are required to be deposited into the State Treasury by law.

(d)(1) UNIVERSITY OF ARKANSAS AT MONTICELLO FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "University of Arkansas at Monticello Fund".

(2) The University of Arkansas at Monticello Fund shall be used for the maintenance, operation, and improvement of the Monticello campus of the University of Arkansas and its various divisions, the University of Arkansas at Monticello College of Technology-Crossett, and the University of Arkansas at Monticello College of Technology-McGehee.

(3) The University of Arkansas at Monticello Fund shall consist of:

- (A) Those general revenues as may be provided by law;
- (B) The June 30, 2003, balances in the Forest Echoes Technical Institute Fund Account and the Great Rivers Comprehensive Lifelong Learning Center Fund Account; and
- (C) Any other funds made available for the support of the University of Arkansas at Monticello which are required to be deposited into the State Treasury by law.

(e)(1) UNIVERSITY OF ARKANSAS AT PINE BLUFF FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "University of Arkansas at Pine Bluff Fund".

(2) The University of Arkansas at Pine Bluff Fund shall be used for the maintenance, operation, and improvement of the Pine Bluff campus of the University of Arkansas.

(3) The University of Arkansas at Pine Bluff Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of the University of Arkansas at Pine Bluff and its various divisions, including the special teacher training program, which are required to be deposited into the State Treasury by law.

(f)(1) ARKANSAS STATE UNIVERSITY FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Arkansas State University Fund".

(2) The Arkansas State University Fund shall be used for the maintenance, operation, and improvement of Arkansas State University.

(3) The Arkansas State University Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of Arkansas State University which are required to be deposited into the State Treasury by law.

(g)(1) ARKANSAS STATE UNIVERSITY — BEEBE FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Arkansas State University — Beebe Fund".

(2) The Arkansas State University — Beebe Fund shall be used for the maintenance, operation, and improvement of Arkansas State University-Beebe, including Arkansas State Technical Institute, Arkansas State University-Searcy, and Arkansas State University-Heber Springs.

(3) The Arkansas State University — Beebe Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of Arkansas State University-Beebe which are required to be deposited into the State Treasury by law.

(h)(1) ARKANSAS TECH UNIVERSITY FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Arkansas Tech University Fund".

(2) The Arkansas Tech University Fund shall be used for the maintenance, operation, and improvement of Arkansas Tech University.

(3) The Arkansas Tech University Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of Arkansas Tech University which are required to be deposited into the State Treasury by law.

(i)(1) HENDERSON STATE UNIVERSITY FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Henderson State University Fund".

(2) The Henderson State University Fund shall be used for the maintenance, operation, and improvement of Henderson State University, including the nursing program.

(3) The Henderson State University Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of Henderson State University which are required to be deposited into the State Treasury by law.

(j)(1) SOUTHERN ARKANSAS UNIVERSITY FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Southern Arkansas University Fund".

(2) The Southern Arkansas University Fund shall be used for the maintenance, operation, and improvement of Southern Arkansas University.

(3) The Southern Arkansas University Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of Southern Arkansas University and its programs which are required to be deposited into the State Treasury by law.

(k)(1) UNIVERSITY OF CENTRAL ARKANSAS FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "University of Central Arkansas Fund".

(2) The University of Central Arkansas Fund shall be used for the maintenance, operation, and improvement of the University of Central Arkansas.

(3) The University of Central Arkansas Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of the University of Central Arkansas which are required to be deposited into the State Treasury by law.

(l)(1) UNIVERSITY OF ARKANSAS AT FORT SMITH FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "University of Arkansas at Fort Smith Fund".

(2) The University of Arkansas at Fort Smith Fund shall be used for the maintenance, operation, and improvement of the University of Arkansas at Fort Smith.

(3) The University of Arkansas at Fort Smith Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of the University of Arkansas at Fort Smith which are required to be deposited into the State Treasury by law.

(m)(1) NORTH ARKANSAS COLLEGE FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "North Arkansas College Fund".

(2) The North Arkansas College Fund shall be used for the maintenance, operation, and improvement of North Arkansas College.

(3) The North Arkansas College Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of North Arkansas College which are required to be deposited into the State Treasury by law.

(n)(1) EAST ARKANSAS COMMUNITY COLLEGE FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "East Arkansas Community College Fund".

(2) The East Arkansas Community College Fund shall be used for the maintenance, operation, and improvement of East Arkansas Community College.

(3) The East Arkansas Community College Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of East Arkansas Community College which are required to be deposited into the State Treasury by law.

(o)(1) GARLAND COUNTY COMMUNITY COLLEGE FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Garland County Community College Fund".

(2) The Garland County Community College Fund shall be used for the maintenance, operation, and improvement of Garland County Community College.

(3) The Garland County Community College Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of Garland County Community College which are required to be deposited into the State Treasury by law.

(p)(1) ARKANSAS NORTHEASTERN COLLEGE FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Arkansas Northeastern College Fund".

(2) The Arkansas Northeastern College Fund shall be used for the maintenance, operation, and improvement of Arkansas Northeastern College.

(3) The Arkansas Northeastern College Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of Arkansas Northeastern College which are required to be deposited into the State Treasury by law.

(q)(1) PHILLIPS COMMUNITY COLLEGE OF THE UNIVERSITY OF ARKANSAS FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Phillips Community College of the University of Arkansas Fund".

(2) The Phillips Community College of the University of Arkansas Fund shall be used for the maintenance, operation, and improvement of Phillips Community College of the University of Arkansas, including the Stuttgart and Dewitt campuses.

(3) The Phillips Community College of the University of Arkansas Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of Phillips Community College of the University of Arkansas which are required to be deposited into the State Treasury by law.

(r)(1) RICH MOUNTAIN COMMUNITY COLLEGE FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Rich Mountain Community College Fund".

(2) The Rich Mountain Community College Fund shall be used for the maintenance, operation, and improvement of Rich Mountain Community College.

(3) The Rich Mountain Community College Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of Rich Mountain Community College, and which are required to be deposited into the State Treasury by law.

(s)(1) NORTHWEST ARKANSAS COMMUNITY COLLEGE FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Northwest Arkansas Community College Fund".

(2) The Northwest Arkansas Community College Fund shall be used for the maintenance, operation, and improvement of Northwest Arkansas Community College.

(3) The Northwest Arkansas Community College Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of Northwest Arkansas Community College, and which are required to be deposited into the State Treasury by law.

(t)(1) SOUTH ARKANSAS COMMUNITY COLLEGE FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "South Arkansas Community College Fund".

(2) The South Arkansas Community College Fund shall be used for the maintenance, operation, and improvement of South Arkansas Community College.

(3) The South Arkansas Community College Fund shall consist of:

- (A) Those general revenues as may be provided by law; and
- (B) Any other funds made available for the support of South Arkansas Community College which are required to be deposited into the State Treasury by law.

(u)(1) SAU-TECH FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "SAU-Tech Fund".

(2) The SAU-Tech Fund shall be used for the maintenance, operation, and improvement of SAU-Tech, Arkansas Fire Training Academy, and the Environment Control Center of SAU-Tech.

(3) The SAU-Tech Fund shall consist of:

- (A) Those general revenues as may be provided by law; and
- (B) Any other funds made available for the support of SAU-Tech and its programs which are required to be deposited into the State Treasury by law.

(v)(1) MID-SOUTH COMMUNITY COLLEGE FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Mid-South Community College Fund".

(2) The Mid-South Community College Fund shall be used for the maintenance, operation, and improvement of Mid-South Community College.

(3) The Mid-South Community College Fund shall consist of:

- (A) Those general revenues as may be provided by law;
- (B) Those special revenues as set out in § 19-6-301(183); and
- (C) Any other funds made available for the support of Mid-South Community College which are required to be deposited into the State Treasury by law.

(w)(1) UNIVERSITY OF ARKANSAS COMMUNITY COLLEGE AT HOPE FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "University of Arkansas Community College at Hope Fund".

(2) The University of Arkansas Community College at Hope Fund shall be used for the maintenance, operation, and improvement of the University of Arkansas Community College at Hope.

(3) The University of Arkansas Community College at Hope Fund shall consist of:

- (A) Those general revenues as may be provided by law; and
- (B) Any other funds made available for the support of the University of Arkansas Community College at Hope which are required to be deposited into the State Treasury by law.

(x)(1) UNIVERSITY OF ARKANSAS COMMUNITY COLLEGE AT BATESVILLE FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "University of Arkansas Community College at Batesville Fund".

(2) The University of Arkansas Community College at Batesville Fund shall be used for the maintenance, operation, and improvement of the University of Arkansas Community College at Batesville.

(3) The University of Arkansas Community College at Batesville Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of the University of the Arkansas Community College at Batesville which are required to be deposited into the State Treasury by law.

(y)(1) HIGHER EDUCATION INSTITUTIONS PERFORMANCE FUND. The Higher Education Institutions Performance Fund shall be used to provide additional support for institutions of higher education on the basis of institutional performance as determined by the Arkansas Higher Education Coordinating Board and reported to the Legislative Council.

(2) The fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds provided by law.

(z)(1) ARKANSAS STATE UNIVERSITY — NEWPORT FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Arkansas State University — Newport Fund".

(2) The Arkansas State University — Newport Fund shall be used for the maintenance, operation, and improvement of Arkansas State University — Newport.

(3) The Arkansas State University — Newport Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of Arkansas State University — Newport which are required to be deposited into the State Treasury by law.

(aa)(1) TWO-YEAR COLLEGE MODEL FORMULA FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Two-Year College Model Formula Fund".

(2) The Two-Year College Model Formula Fund shall be used for the distribution of funds to the various two-year colleges by the Department of Higher Education as may be authorized by law.

(3) The Two-Year College Model Formula Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available by the General Assembly.

(bb)(1) COSSATOT COMMUNITY COLLEGE OF THE UNIVERSITY OF ARKANSAS FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Cossatot Community College of the University of Arkansas Fund".

(2) The Cossatot Community College of the University of Arkansas Fund shall be used for the maintenance, operation, and improvement of Cossatot Community College of the University of Arkansas.

(3) The Cossatot Community College of the University of Arkansas Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of Cossatot Community College of the University of Arkansas which are required to be deposited into the State Treasury by law.

(cc)(1) UNIVERSITY OF ARKANSAS COMMUNITY COLLEGE AT MORRILTON FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "University of Arkansas Community College at Morrilton Fund".

(2) The University of Arkansas Community College at Morrilton Fund shall be used for the maintenance, operation, and improvement of the University of Arkansas Community College at Morrilton.

(3) The University of Arkansas Community College at Morrilton Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of the University of Arkansas Community College at Morrilton which are required to be deposited into the State Treasury by law.

(dd)(1) ARKANSAS STATE UNIVERSITY-MOUNTAIN HOME FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Arkansas State University-Mountain Home Fund".

(2) The Arkansas State University-Mountain Home Fund shall be used for the maintenance, operation, and improvement of Arkansas State University-Mountain Home.

(3) The Arkansas State University-Mountain Home Fund shall consist of:

(A) Those general revenues as may be provided by law; and

(B) Any other funds made available for the support of Arkansas State University-Mountain Home which are required to be deposited into the State Treasury by law.

(ee)(1) NATIONAL PARK COMMUNITY COLLEGE FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "National Park Community College Fund".

(2) The National Park Community College Fund shall be used for the maintenance, operation, and improvement of National Park Community College.

(3) The National Park Community College Fund shall consist of:

(A) Those general revenues transferred each month from the Garland County Community College Fund;

(B) The June 30, 2003, balances in the Garland County Community College Fund; and

(C) Any other funds made available for the support of National Park Community College which are required to be deposited into the State Treasury by law.

(ff)(1) SCHOOL FOR MATH, SCIENCE, AND ARTS FUND. There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "School for Math, Science, and Arts Fund".

(2) The School for Math, Science, and Arts Fund shall be used to provide for the maintenance, operation, and improvement required by the Arkansas School for Mathematics, Sciences, and the Arts in carrying out its powers, functions, and duties as set out by law.

(3) The School for Math, Science, and Arts Fund shall consist of:

(A) Moneys allocated and transferred from the Educational Excellence Trust Fund;

(B) Any general revenues as may be provided by the Revenue Stabilization Law, § 19-5-101 et seq.; and

(C) Any other moneys as may be authorized by law.

**History.** Acts 1973, No. 750, § 6; 1975, No. 868, §§ 8, 9; 1977, No. 955, §§ 12, 13; 1979, No. 1013, § 9; 1979, No. 1077, § 3; 1981, No. 938, § 7; 1983, No. 801, §§ 5-7, 10; 1985, No. 888, § 8; A.S.A. 1947, § 13-521; Acts 1989, No. 629, § 4; 1991, No. 335, §§ 1, 2; 1991, No. 1135, § 2; 1993, No. 447, § 8; 1993, No. 1073, §§ 2, 3; 1995, No. 1163, §§ 6-9; 1995, No. 1296, § 70; 1997, No. 1248, §§ 6, 7; 1999, No. 1463, §§ 3-6; 2001, No. 90, § 9; 2001, No. 292, § 12; 2001, No. 297, § 5; 2003, No. 1290, § 4; 2003 (1st Ex. Sess.), No. 55, §§ 2, 3, 27, 29, 31, 34; 2005, No. 2282, § 3; 2005, No. 2316, § 3; 2007, No. 1032, §§ 4-6; 2007, No. 1201, §§ 4-6; 2009, No. 1440, § 1; 2009, No. 1441, § 1; 2011, No. 1095, § 2; 2011, No. 1115, § 2.

**A.C.R.C. Notes.** Acts 2009, No. 1427,

§ 17, provided: "SCHOOL FOR MATH, SCIENCE AND ARTS FUNDING PROVISIONS. Funding provided to the University of Arkansas Fund for the Arkansas School for Mathematics, Sciences, and the Arts in Arkansas Code Annotated 19-5-401 et. seq. shall be transferred to the School for Math, Science and Arts Fund."

**Amendments.** The 2009 amendment by identical acts Nos. 1440 and 1441 deleted (114) following "§ 19-6-301(45)" in (a)(3)(B), and made a related change.

The 2011 amendment by identical acts Nos. 1095 and 1115 deleted "and the Quapaw Technical Institute Fund Account" following "the Garland County Community College Fund" in (ee)(3)(A) and (ee)(3)(B).

## 19-5-304. Education Fund.

The Education Fund shall consist of the following funds and fund accounts made available for the support of the Department of Education and the Department of Career Education and shall be used for the same purposes as set out for the following fund accounts:

(1)(A) **DEPARTMENT OF EDUCATION FUND ACCOUNT.** The Department of Education Fund Account shall be used to provide for the maintenance, operation, and improvement of the Department of Education as created by § 6-10-101 et seq., and any other laws imposing functions, powers, and duties upon the State Board of Education, the Department of Education, and the Commissioner of Education, including, but not necessarily limited to, history textbooks expenses, the Publishing Revolving Account, audio-visual services, textbooks operation, compact for education, including the state's membership, and the state's contribution to the Southern Regional Education Board.

(B) The Department of Education Fund Account shall consist of:

(i) Those general revenues as may be provided by the Revenue Stabilization Law, § 19-5-101 et seq.; and

(ii) Nonrevenue income derived from services provided by those programs supported from the Department of Education Fund Account, including any rental property located on the State Capitol grounds owned by the Department of Education;

(2)(A) DEPARTMENT OF CAREER EDUCATION FUND ACCOUNT. The Department of Career Education Fund Account shall be used to provide support for those programs placed under the direction of the Director of the Department of Career Education as authorized by §§ 6-11-101, 6-11-102, 25-6-101, 25-6-102, and Acts 1981, No. 64, § 4, and any other laws imposing functions, powers, and duties upon the State Board of Career Education, including without limitation the following:

- (i) Vocational, technical, and adult education;
- (ii) Adult basic education;
- (iii) Manpower training;
- (iv) Vocational standards;
- (v) Industry training programs; and

(vi) Those functions, programs, and responsibilities transferred to the Department of Career Education as authorized by these statutes.

(B) The Department of Career Education Fund Account shall consist of those general revenues as may be provided by the Revenue Stabilization Law, § 19-5-101 et seq.;

(3)(A) EDUCATIONAL TELEVISION FUND ACCOUNT. The Educational Television Fund Account shall be used for the maintenance, operation, and improvement required by the Educational Television Division of the Department of Education in carrying out those powers, functions, and duties of the Arkansas Educational Television Commission as set out in § 6-3-101 et seq. or other duties imposed by law upon the commission.

(B) The Educational Television Fund Account shall consist of those general revenues as may be provided by law and nonrevenue income derived from services provided by the Educational Television Division and any other nonfederal grant funds provided by law;

(4)(A) STATE LIBRARY FUND ACCOUNT. The State Library Fund Account shall be used for the maintenance, operation, and improvement required by the Library Division of the Department of Education in carrying out the powers, functions, and duties as set out in § 13-2-201 et seq. or any other duties imposed by law upon the State Library Commission, which were transferred to the Department of Education by §§ 6-11-101, 6-11-102, and 25-6-102.

(B) The State Library Fund Account shall consist of those general revenues as may be provided by law and nonrevenue income derived from services provided by the Library Division of the Department of Education and any other nonfederal grant funds provided by law;

(5)(A) SCHOOL FOR THE BLIND FUND ACCOUNT. The School for the Blind Fund Account shall be used for the maintenance, operation, and improvement required by the Arkansas School for the Blind in carrying out those powers, functions, and duties as set out in § 6-43-101 et seq. and § 6-43-201 et seq.

(B) The School for the Blind Fund Account shall consist of those general revenues as may be provided by law and nonrevenue income derived from services provided by the Arkansas School for the Blind and any other nonfederal grant funds provided by law.

(C) Federal reimbursement funds received on account of vocational education programs conducted by the Arkansas School for the Blind shall not be deposited to the School for the Blind Fund Account; (6)(A) SCHOOL FOR THE DEAF FUND ACCOUNT. The School for the Deaf Fund Account shall be used for the maintenance, operation, and improvement required by the Arkansas School for the Deaf in carrying out the powers, functions, and duties as set out in § 6-43-301 et seq. or other duties imposed by law upon the Arkansas School for the Deaf, which were transferred to the Department of Education by §§ 6-11-101, 6-11-102, and 25-6-102.

(B) The School for the Deaf Fund Account shall consist of those general revenues as may be provided by law and nonrevenue income derived from services provided by the Arkansas School for the Deaf and any other nonfederal grant funds provided by law.

(C) Federal reimbursement funds received on account of vocational education programs conducted by the Arkansas School for the Deaf shall not be deposited to this account;

(7)(A) REHABILITATION SERVICES FUND ACCOUNT. The Rehabilitation Services Fund Account shall be used for the maintenance, operation, and improvement required by the Arkansas Rehabilitation Services of the Department of Career Education in carrying out the powers, functions, and duties as set out in § 6-52-101 et seq., the Rehabilitation Act of Arkansas, § 20-79-201 et seq., and § 25-30-201 et seq., and for the adult handicapped program at the Arkansas Health Center.

(B) The Rehabilitation Services Fund Account shall consist of:

(i) Those general revenues as may be provided by law;  
(ii) Nonrevenue income derived from services provided by rehabilitation programs of the Arkansas Rehabilitation Services of the Department of Career Education; and

(iii) Any other nonfederal grant funds provided by law;  
(8)(A) TECHNICAL INSTITUTE AND OTHER EDUCATION FUND ACCOUNTS. The Crowley's Ridge Technical Institute Fund Account shall be used for the maintenance, operation, and improvement of Crowley's Ridge Technical Institute. The Crowley's Ridge Technical Institute Fund Account shall consist of:

(i) Those general revenues as may be provided by law; and  
(ii) Any other funds made available for the support of Crowley's Ridge Technical Institute which are required to be deposited into the State Treasury by law.

(B) The Northwest Technical Institute Fund Account shall be used for the maintenance, operation, and improvement of Northwest Technical Institute. The Northwest Technical Institute Fund Account shall consist of:

(i) Those general revenues as may be provided by law; and

(ii) Any other funds made available for the support of Northwest Technical Institute which are required to be deposited into the State Treasury by law.

(C) The Riverside Vocational Technical School Fund Account shall be used for the maintenance, operation, and improvement of Riverside Vocational and Technical School. The Riverside Vocational Technical School Fund Account shall consist of:

(i) Those general revenues as may be provided by law; and

(ii) Any other funds made available for the support of Riverside Vocational Technical School which are required to be deposited into the State Treasury by law;

(9)(A) EDUCATIONAL FACILITIES PARTNERSHIP FUND ACCOUNT. The Educational Facilities Partnership Fund Account shall be used for distribution of grants for programs providing academic school facility and transportation assistance to the public school districts as may be provided by law.

(B) The Educational Facilities Partnership Fund Account shall consist of:

(i) Those general revenues as may be provided by law;

(ii) Moneys transferred from the General Improvement Fund; and

(iii) Any other moneys as may be provided by law; and

(10)(A) DIVISION OF PUBLIC SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION FUND ACCOUNT. The Division of Public School Academic Facilities and Transportation Fund Account shall be used for the maintenance, operation, and improvement required by the Division of Public School Academic Facilities and Transportation of the Department of Education as may be provided by law.

(B) The Division of Public School Academic Facilities and Transportation Fund Account shall consist of:

(i) Those general revenues as may be provided by law; and

(ii) Any other funds made available for the support of the Division of Public School Academic Facilities and Transportation of the Department of Education.

**History.** Acts 1973, No. 750, § 6; 1981, No. 938, § 1; 1985, No. 888, § 3; A.S.A. 1947, § 13-521; Acts 1991, No. 1135, § 3; 1993, No. 1073, § 22; 1995, No. 1163, § 10; 1999, No. 253, § 1; 2001, No. 152, § 2; 2001, No. 231, § 2; 2003 (1st Ex. Sess.), No. 55, §§ 4, 28, 30, 32, 33; 2005, No. 1962, §§ 80-82; 2005, No. 2139, § 5; 2007, No. 260, § 4; 2007, No. 827, § 143; 2011, No. 856, § 3; 2011, No. 1095, § 3; 2011, No. 1115, § 3.

**A.C.R.C. Notes.** Acts 2011, No. 691, § 7, provided: "HONORING ARKANSAS' WAR HEROES. The appropriation authorized in this Act for Honoring Arkansas' War Heroes is not intended to be carried forward into the base level for the pur-

poses of budget preparation. Any appropriation request for this purpose shall be considered a new appropriation request, and therefore will be considered a change level budget request.

"Notwithstanding any law pertaining to the transfer of year-end fund balances or any law to the contrary, any funds provided to the Educational Television Fund Account for the purpose of funding the Honoring Arkansas' War Heroes Appropriation which remain in the Educational Television Fund Account at the end of a fiscal year shall remain in the Educational Television Fund Account and shall continue to be allocated to the Honoring Arkansas' War Heroes Appropriation in the

following fiscal year."

Acts 2011, No. 1095, § 8, provided: "Any funds appropriated by the Eighty-Eighth General Assembly from the Department of Workforce Education Fund Account shall be deemed payable from the Department of Career Education Fund Account."

Acts 2011, No. 1095, § 15, provided: "FUND TRANSFERS. At the direction of the Governor and upon review by the Arkansas Legislative Council or Joint Budget Committee, the Chief Fiscal Officer of the State shall have the authority to cause a transfer of funds distributed to the Educational Facilities Partnership Fund Account from distributions made under the Revenue Stabilization Law during the fiscal year ending June 30, 2012, to any other fund or fund account established by law."

Acts 2011, No. 1115, § 8, provided: "Any funds appropriated by the Eighty-Eighth General Assembly from the Department of Workforce Education Fund Account shall be deemed payable from the Department of Career Education Fund Account."

Acts 2011, No. 1115, § 15, provided: "FUND TRANSFERS. At the direction of the Governor and upon review by the

Arkansas Legislative Council or Joint Budget Committee, the Chief Fiscal Officer of the State shall have the authority to cause a transfer of funds distributed to the Educational Facilities Partnership Fund Account from distributions made under the Revenue Stabilization Law during the fiscal year ending June 30, 2012, to any other fund or fund account established by law."

**Amendments.** The 2011 amendment by No. 856 substituted "Department of Career Education" for "Department of Workforce Education" throughout (2); and substituted "State Board of Career Education" for "State Board of Workforce Education and Career Opportunities" in the introductory language of (2)(A).

The 2011 amendment by identical acts Nos. 1095 and 1115 substituted "Department of Career Education" for "Department of Workforce Education" throughout the section; substituted "State Board of Career Education" for "State Board of Workforce Education and Career Opportunities" in the introductory language of (2)(A); and deleted former (8)(A) and (8)(D) and redesignated the remaining subdivisions accordingly.

## 19-5-305. Public School Fund.

(a) The Public School Fund shall consist of the following fund accounts and funds made available for the support of the Department of Education, the Arkansas State Library of the Department of Education, and the Department of Career Education and shall be used for the same purposes as set out for the following fund accounts:

(1) **DEPARTMENT OF EDUCATION PUBLIC SCHOOL FUND ACCOUNT.** The Department of Education Public School Fund Account shall be used for grants and aids for the programs administered by the Department of Education as authorized by law.

(2) **DEPARTMENT OF CAREER EDUCATION PUBLIC SCHOOL FUND ACCOUNT.** The Department of Career Education Public School Fund Account shall be used for grants and aids for the programs administered by the Department of Career Education consisting of, but not limited to:

- (A) General adult education grants;
- (B) Adult basic education grants;
- (C) Manpower development and training grants;
- (D) Vocational-technical and adult education; and
- (E) Such other grants and aids as may be authorized by law for disbursement by the Department of Career Education; and

(3) **STATE LIBRARY PUBLIC SCHOOL FUND ACCOUNT.** The State Library Public School Fund Account shall be used for Aid to Public Libraries as

administered by the Arkansas State Library of the Department of Education.

(b) The Public School Fund shall consist of those moneys as may be provided by:

(1) The Revenue Stabilization Law, § 19-5-101 et seq.;

(2) Any federal mineral leasing funds, federal forest reserve funds, federal flood control funds, or any other similar turnback funds in the State Treasury for which the eligible county or school district cannot be identified;

(3) Fines collected pursuant to § 6-21-410 under the Free Textbook Act of 1975, § 6-21-401 et seq.;

(4) Funds remitted by county treasurers for those school districts which have local revenue per student in excess of the local base per student, as set out in § 26-80-101(c);

(5) Amusement machine revenues up to and including thirty thousand dollars (\$30,000), as set out in § 26-57-407;

(6) Additional rental vehicle tax revenues in excess of two million eight hundred fifty thousand dollars (\$2,850,000), § 26-63-302, to be used exclusively for teacher salaries; and

(7) Such other funds as may be authorized by law.

(c)(1) There is authorized a transfer of up to two hundred thousand dollars (\$200,000) per year from the Public School Fund to the Department of Education Fund Account or the Department of Career Education Fund Account, or a portion thereof to both, by the Treasurer of State and the Chief Fiscal Officer of the State, upon certification as to the amount required by the Commissioner of Education or by the Director of the Department of Career Education, or both, to the Chief Fiscal Officer of the State.

(2) This transfer shall be used to provide additional support for the administration of the handicapped children program and the vocational-technical and adult education program.

**History.** Acts 1973, No. 750, § 6; 1975, No. 868, § 2; 1977, No. 955, § 3; A.S.A. 1947, § 13-521; Acts 1997, No. 1248, § 8; 1999, No. 253, § 2; 2001, No. 1646, § 3; 2003, No. 1052, § 10; 2003 (1st Ex. Sess.), No. 55, § 5; 2007, No. 182, § 15; 2007, No. 1032, § 7; 2007, No. 1201, § 7; 2011, No. 1095, § 4; 2011, No. 1115, § 4.

Acts 2011, No. 1095, § 9, provided: "Any funds appropriated by the Eighty-Eighth General Assembly from the Department of Workforce Education Public School Fund Account shall be deemed payable from the Department of Career Education Public School Fund Account."

Acts 2011, No. 1115, § 9, provided: "Any

funds appropriated by the Eighty-Eighth General Assembly from the Department of Workforce Education Public School Fund Account shall be deemed payable from the Department of Career Education Public School Fund Account."

**Amendments.** The 2011 amendment by identical acts Nos. 1095 and 1115, in the introductory language of (a), deleted "the Department of Workforce Education" following "the Department of Education" and inserted "the Department of Career Education"; rewrote (a)(1); and substituted "Department of Career Education" for "Department of Workforce Education" throughout (a)(2) and (b)(7).

**19-5-306. Department of Human Services Fund.**

The Department of Human Services Fund shall consist of the following fund accounts and funds made available for the support of the Department of Human Services and shall be used for the same purposes as set out for the following fund accounts:

(1)(A) BEHAVIORAL HEALTH SERVICES FUND ACCOUNT. The Behavioral Health Services Fund Account shall be used for the maintenance, operation, and improvement required by the Division of Behavioral Health of the Department of Human Services in carrying out the powers, functions, and duties, as set out in § 20-46-101 et seq. and § 25-10-101 et seq., or other duties imposed by law upon the Arkansas State Hospital.

(B) The Behavioral Health Services Fund Account shall consist of:

(i) Those general revenues as may be provided by law;  
(ii) Nonrevenue income derived from services provided by the Arkansas State Hospital;

(iii) Federal reimbursement received on account of eligible expenditures;

(iv) Paying patient fees and other funds as may be provided by law;

(v) Funds received from local sources for community program matching; and

(vi) Funds received from the Division of Medical Services of the Department of Human Services;

(2)(A) DEVELOPMENTAL DISABILITIES SERVICES FUND ACCOUNT. The Developmental Disabilities Services Fund Account shall be used for the maintenance, operation, and improvement required by the Division of Developmental Disabilities Services of the Department of Human Services in carrying out the powers, functions, and duties, as set out in § 20-48-101 et seq. and § 25-10-101 et seq., and all laws amendatory thereto, or other duties imposed by law upon the human development centers or the Board of Developmental Disabilities Services.

(B) The Developmental Disabilities Services Fund Account shall consist of:

(i) Those general revenues as may be provided by law;

(ii) Nonrevenue income derived by services provided by the human development centers;

(iii) Funds received from local sources to provide matching for community developmental disabilities services programs; and

(iv) Reimbursement received from the Division of Medical Services of the Department of Human Services;

(3)(A) MEDICAL SERVICES FUND ACCOUNT. The Medical Services Fund Account shall be used for the maintenance, operation, and improvement required by the Division of Medical Services of the Department of Human Services in carrying out the powers, functions, and duties as set out in § 20-76-101 et seq. and § 25-10-101 et seq., including the support and administration costs of the expanded Medical Ser-

vices Program of the Division of Medical Services of the Department of Human Services for the working poor in Arkansas.

(B) The Medical Services Fund Account shall consist of:

- (i) Those general revenues as may be provided by law;
- (ii) Nonrevenue income derived from services provided by the Division of Medical Services of the Department of Human Services;
- (iii) Federal reimbursement received on account of eligible expenditures for the administration of medical services programs;
- (iv) Funds derived from fees collected pursuant to the provisions of §§ 20-10-213 — 20-10-228 to be used for the maintenance and operation of the long-term care facility licensure program of the Division of Medical Services of the Department of Human Services; and
- (v) Any other nonfederal grant funds provided by law.

(C) Other federal reimbursement funds received by the Division of Medical Services of the Department of Human Services shall be deposited into a separate federal reimbursement fund on the books of the Treasurer of State;

(4)(A) YOUTH SERVICES FUND ACCOUNT. The Youth Services Fund Account shall be used for the maintenance, operation, and improvement required by the Division of Youth Services of the Department of Human Services in carrying out the powers, functions, and duties as set out in § 9-28-201 et seq., including serious offender and community-based programs and the youth service centers.

(B) The Youth Services Fund Account shall consist of:

- (i) Those general revenues as may be provided by law;
- (ii) Nonrevenue income derived from services provided by the various programs of the Division of Youth Services of the Department of Human Services; and
- (iii) Any other nonfederal grants-in-aid funds provided by law.

(C) Other federal reimbursement received by the Division of Youth Services of the Department of Human Services shall be deposited into a separate federal reimbursement fund on the books of the Treasurer of State, including those received on account of eligible expenditures of the youth service centers' vocational education programs;

(5)(A) CHILDREN AND FAMILY SERVICES FUND ACCOUNT. The Children and Family Services Fund Account shall be used for the maintenance, operation, and improvement required by the Division of Children and Family Services of the Department of Human Services in carrying out those functions, powers, and duties as set out in § 25-10-101 et seq.

(B) The Children and Family Services Fund Account shall consist of:

- (i) Those general revenues as may be provided by law;
- (ii) Nonrevenue income derived from services provided by the Division of Children and Family Services of the Department of Human Services; and
- (iii) Any other nonfederal grant-in-aid funds provided by law;

**(6)(A) DEPARTMENT OF HUMAN SERVICES ADMINISTRATION FUND ACCOUNT.**

The Department of Human Services Administration Fund Account shall be used for the maintenance, operation, and improvement required by the office of the Director of the Department of Human Services in carrying out the administrative duties of the Department of Human Services as set out in and under the restrictions and provisions of § 20-46-301 and § 25-10-101 et seq., and of the Office of Finance and Administration of the Department of Human Services, and the Division of Community Service and Nonprofit of the Department of Human Services as set out in § 25-10-128.

(B) The Department of Human Services Administration Fund Account shall consist of:

- (i) Those general revenues as may be provided by law;
- (ii) Nonrevenue income derived from services provided by these divisions of the Department of Human Services; and
- (iii) Any other funds, including reimbursement for costs incurred by these divisions from the various other Department of Human Services' divisions from nongeneral revenue sources, as may be required and provided by law;

**(7)(A) AGING AND ADULT SERVICES FUND ACCOUNT.** The Aging and Adult Services Fund Account shall be used for the maintenance, operation, and improvement required by the Division of Aging and Adult Services of the Department of Human Services in carrying out the powers, functions, and duties as imposed by law, and § 25-10-101 et seq., upon the Division of Aging and Adult Services of the Department of Human Services.

(B) The Aging and Adult Services Fund Account shall consist of:

- (i) Those general revenues as may be provided by law;
- (ii) Fifty percent (50%) of those special revenues as specified in § 19-6-301(201), there to be used to assist the Meals on Wheels Program, and any other special revenues as may be provided by law;
- (iii) Nonrevenue income derived from services provided by the Division of Aging and Adult Services of the Department of Human Services;
- (iv) Federal reimbursement received on account of eligible expenditures of the Division of Aging and Adult Services of the Department of Human Services; and
- (v) The first three million dollars (\$3,000,000) each year of the net revenues derived from the additional cigarette tax levied in § 26-57-802, to be used exclusively for transportation services benefiting the elderly, including the Meals on Wheels Program;

**(8)(A) STATE SERVICES FOR THE BLIND FUND ACCOUNT.** The State Services for the Blind Fund Account shall be used for the maintenance, operation, and improvement required by the Division of State Services for the Blind of the Department of Human Services in carrying out the powers, functions, and duties as set out in § 25-10-201 et seq. or other duties imposed by law upon the Division of State Services for the Blind of the Department of Human Services.

(B) The State Services for the Blind Fund Account shall consist of:

(i) Those general revenues as may be provided by law;

(ii) Nonrevenue income derived from services provided by the Division of State Services for the Blind programs of the Department of Human Services; and

(iii) Any other nonfederal grants funds provided by law;

(9)(A) COUNTY OPERATIONS FUND ACCOUNT. The County Operations Fund Account shall be used for the maintenance, operation, and improvement required by the Division of County Operations of the Department of Human Services in carrying out the powers, functions, and duties as set out in § 25-10-102.

(B) The County Operations Fund Account shall consist of:

(i) Those general revenues as may be provided by law;

(ii) Nonrevenue income derived from services provided by the various programs of the Division of County Operations of the Department of Human Services;

(iii) Any other nonfederal grants-in-aids funds provided by law;

(iv) Funds received from the Department of Education for surplus commodities; and

(v) Federal reimbursement received on account of eligible expenditures of the Division of County Operations of the Department of Human Services;

(C) Other federal reimbursement funds received by the Division of County Operations of the Department of Human Services shall be deposited into a separate federal reimbursement fund on the books of the Treasurer of State;

(10)(A) DEPARTMENT OF HUMAN SERVICES GRANTS FUND ACCOUNT. The Department of Human Services Grants Fund Account shall be used for the following grant programs to consist of general revenues and any other nonfederal funds, as may be appropriated by the General Assembly:

(i) Children's Medical Services;

(ii) Food Stamp Employment and Training Program;

(iii) Aid to the Aged, Blind, and Disabled;

(iv) Transitional Employment Assistance Program;

(v) Private nursing home care;

(vi) Infant Infirmary — nursing home care;

(vii) Public Nursing Home Care;

(viii) Prescription Drugs;

(ix) Hospital and Medical Services;

(x) Child and Family Life Institute;

(xi) Community Services Block Grant;

(xii) ARKids First;

(xiii) Child Health Management Services; and

(xiv) Child Care Grant.

(B) Federal reimbursement received by the Department of Human Services shall be deposited into separate funds on the books of the Treasurer of State;

(11)(A) LONG-TERM CARE FACILITY RECEIVERSHIP FUND ACCOUNT. The Long-Term Care Facility Receivership Fund Account shall be used for paying the expenses of receivers appointed under the Arkansas Long-Term Care Facility Receivership Law, § 20-10-901 et seq., as administered and disbursed under the direction of the Director of the Department of Human Services.

(B) The Long-Term Care Facility Receivership Fund Account shall consist of:

(i) Those general revenues and such other funds as may be provided by law; and

(ii) The balance in the Long-Term Care Facility Receivership Fund Account which remains at the end of a fiscal year;

(12)(A) CHILD CARE AND EARLY CHILDHOOD EDUCATION FUND ACCOUNT. The Child Care and Early Childhood Education Fund Account shall be used for the maintenance, operation, and improvement required by the Division of Child Care and Early Childhood Education of the Department of Human Services in carrying out those functions, powers, and duties as set out in the Child Care Facility Licensing Act, § 20-78-201 et seq., or other duties imposed by law upon the Division of Child Care and Early Childhood Education of the Department of Human Services.

(B) The Child Care and Early Childhood Education Fund Account shall consist of:

(i) Those general revenues as may be provided by law;

(ii) Nonrevenue income derived from services provided by the Division of Child Care and Early Childhood Education of the Department of Human Services; and

(iii) Any other nonfederal grant-in-aid funds provided by law.

**History.** Acts 1973, No. 750, § 6; 1975, No. 868, § 3; 1977, No. 955, §§ 4-6; 1977 (1st Ex. Sess.), No. 7, § 2; 1979, No. 1115, § 4; 1981, No. 938, §§ 2, 3; 1983, No. 801, §§ 4-15; 1985, No. 888, § 5; A.S.A. 1947, § 13-521; Acts 1987, No. 928, § 1; 1989, No. 629, § 5; 1991, No. 1135, §§ 4, 16; 1993, No. 1073, §§ 4, 24; 1994 (2nd Ex. Sess.), No. 27, § 1; 1995, No. 1163, § 11; 1997, No. 1007, § 3; 1997, No. 1360, § 82; 1999, No. 1463, § 7; 1999, No. 1537, § 100; 2003 (1st Ex. Sess.), No. 17, § 10; 2003 (1st Ex. Sess.), No. 55, §§ 6-8; 2007, No. 1032, §§ 8-10; 2007, No. 1201, §§ 8-10; 2009, No. 1414, § 8; 2011, No. 42, § 4; 2011, No. 1095, § 5; 2011, No. 1115, § 5.

**A.C.R.C. Notes.** Acts 2010, No. 276, § 8, provided: "DEPARTMENT OF HUMAN SERVICES GRANTS FUND ACCOUNT. The Department of Human Services Grants Fund Account shall be used for the following grant programs to consist of general revenues and any other nonfed-

eral funds, as may be appropriated by the General Assembly:

- "(i) Children's Medical Services;
- "(ii) Food Stamp Employment and Training Program;
- "(iii) Aid to the Aged, Blind, and Disabled;
- "(iv) Transitional Employment Assistance Program;
- "(v) Private nursing home care;
- "(vi) Infant Infirmary — nursing home care;
- "(vii) Public Nursing Home Care;
- "(viii) Prescription Drugs;
- "(ix) Hospital and Medical Services;
- "(x) Child and Family Life Institute;
- "(xi) Community Services Block Grant;
- "(xii) ARKIDSFIRST;
- "(xiii) Child Health Management Services; and
- "(xiv) Child Care Grant."

Acts 2011, No. 1068, § 8, provided: "DEPARTMENT OF HUMAN SERVICES

**GRANTS FUND ACCOUNT.** The Department of Human Services Grants Fund Account shall be used for the following grant programs to consist of general revenues and any other nonfederal funds, as may be appropriated by the General Assembly:

- “(i) Children’s Medical Services;
- “(ii) Food Stamp Employment and Training Program;
- “(iii) Aid to the Aged, Blind, and Disabled;
- “(iv) Transitional Employment Assistance Program;
- “(v) Private nursing home care;
- “(vi) Infant Infirmary — nursing home care;
- “(vii) Public Nursing Home Care;
- “(viii) Prescription Drugs;
- “(ix) Hospital and Medical Services;
- “(x) Child and Family Life Institute;
- “(xi) Community Services Block Grant;
- “(xii) ARKIDSFIRST;
- “(xiii) Child Health Management Services; and

“(xiv) Child Care Grant.”

Acts 2011, No. 1095, § 10, provided: “Any funds appropriated by the Eighty-Eighth General Assembly from the Mental Health Services Fund Account shall be deemed payable from the Behavioral Health Services Fund Account.”

Acts 2011, No. 1115, § 10, provided: “Any funds appropriated by the Eighty-Eighth General Assembly from the Mental Health Services Fund Account shall be deemed payable from the Behavioral Health Services Fund Account.”

**Amendments.** The 2009 amendment deleted former (10)(A)(xv) and made related changes.

The 2011 amendment by No. 42 substituted “Community Service and Nonprofit Support” for “Volunteerism” in (6)(A).

The 2011 amendment by identical acts Nos. 1095 and 1115 substituted “Behavioral Health Services Fund Account” for “Mental Health Services Fund Account” in two places in (1)(A) and in the introductory language of (1)(B).

## 19-5-307. Public Health Fund.

(a) The Public Health Fund shall be used for the maintenance, operation, and improvement required by the regional health centers and the various divisions of the Department of Health in carrying out the powers, functions, and duties as set out in § 20-7-102 et seq. or other duties imposed by law upon:

- (1) The Department of Health;
- (2) The Director of the Department of Health;
- (3) The State Board of Health;
- (4) The Secretary of the State Board of Health, or the State Health Officer, whose office was transferred under § 25-9-101 to the Department of Health; and
- (5) The State Cancer Commission, which was transferred to the Department of Health by § 25-9-101.

- (b) The Public Health Fund shall consist of:
  - (1) Those special revenues as set out in § 19-6-301(41), (65), (68), (69), (80), (97), (131), (132), (133), (136), (137), (140), (141), (142), (143), (144), (147), (155), (166), (177), (194), (204), and (205), and that portion of § 19-6-301(58) of the Revenue Classification Law, § 19-6-101 et seq.;
  - (2) General revenues as may be provided by law;
  - (3) Nonrevenue income derived from services provided by the various divisions of the department;
  - (4) Federal reimbursement received on account of eligible expenditures by the various divisions of the Department of Health;
  - (5) Other funds as may be provided by law;

(6) Moneys transferred or deposited from the State Administration of Justice Fund to support alcoholism treatment programs and for use in the drug abuse prevention and treatment program of the Office of Alcohol and Drug Abuse Prevention; and

(7) Amusement machine revenues over thirty thousand dollars (\$30,000), as set out in § 26-57-407.

**History.** Acts 1973, No. 750, § 6; 1983, No. 801, § 8; 1985, No. 888, § 6; A.S.A. 1947, § 13-521; Acts 1989, No. 629, § 6; 1991, No. 1135, § 5; 1993, No. 1073, § 5; 1995, No. 1032, § 8; 1995, No. 1296, § 71; 1997, No. 1248, § 9; 1999, No. 1463, § 8; 2001, No. 1646, § 4; 2003 (1st Ex. Sess.), No. 55, § 9; 2005, No. 2282, § 4; 2005, No. 2316, § 4; 2007, No. 1032, § 11; 2007, No. 1201, § 11; 2010, No. 262, § 2; 2010, No. 296, § 2; 2011, No. 856, § 4.

**Amendments.** The 2010 amendment by identical acts Nos. 262 and 296 inserted "(41)" in (b)(1).

The 2011 amendment deleted "and all laws amendatory thereto, and § 20-11-201 et seq. [repealed]" following "§ 20-7-102 et seq." in the introductory language of (a); and deleted (a)(6).

#### SUBCHAPTER 4 — DISTRIBUTION OF GENERAL REVENUES

##### SECTION.

19-5-401. Allocations for fiscal year 2011-2012 and thereafter.

19-5-402. Maximum allocations of revenues for fiscal year 2011-2012 and thereafter.

##### SECTION.

19-5-403. [Repealed.]

19-5-404. [Repealed.]

19-5-405. Authority of Treasurer of State.

19-5-406. Transfer of remaining revenues.

**Effective Dates.** Acts 2009, Nos. 1440 and 1441, § 11: July 1, 2009. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state's fiscal laws must take effect at the beginning of the fiscal year, that if the current legislative session is extended such that the 90 day period is later than July 1, 2009 the changes will not be timely. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2009."

Acts 2010, No. 262, § 17: July 1, 2010. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state's fiscal laws must take effect at the beginning of the fiscal year, that the effectiveness of this act on July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval, is essential to the

operation of the agencies for which allocations in this act are provided, and the delay in the effective date of this act beyond July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval, could work irreparable harm upon the proper administration and provision of essential government programs. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval."

Acts 2010, No. 296, § 17: July 1, 2010. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state's fiscal laws must take effect at the beginning of the fiscal year, that the effectiveness of this act on July 1, 2010, with the exception that Section 15 in this Act shall be in full force and

effect from and after the date of its passage and approval, is essential to the operation of the agencies for which allocations in this act are provided, and the delay in the effective date of this act beyond July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval, could work irreparable harm upon the proper administration and provision of essential government programs. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval."

Acts 2011, No. 1095, § 18: July 1, 2011. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state's fiscal laws must

take effect at the beginning of the fiscal year, that if the current legislative session is extended such that the 90 day period is later than July 1, 2011 the changes will not be timely. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2011."

Acts 2011, No. 1115, § 18: July 1, 2011. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state's fiscal laws must take effect at the beginning of the fiscal year, that if the current legislative session is extended such that the 90 day period is later than July 1, 2011 the changes will not be timely. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2011."

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## 19-5-401. Allocations for fiscal year 2011-2012 and thereafter.

Commencing with the fiscal year beginning July 1, 2011, and each fiscal year thereafter, the Treasurer of State shall transfer all remaining general revenues available for distribution on the last day of business in July 2011 and on the last day of business in each calendar month thereafter during the fiscal year to the various funds and fund accounts participating in general revenues in the proportions of the maximum allocation as the individual allocation to the fund or fund account bears to the total of the maximum allocation as provided in § 19-5-402(a) and (b).

**History.** Acts 1973, No. 750, § 11; 1974 (1st Ex. Sess.), No. 90, § 1; 1975, No. 868, § 15; 1977, No. 955, § 1; 1977 (1st Ex. Sess.), No. 7, § 1; 1979, No. 1115, § 1; 1981, No. 937, § 1; 1983, No. 801, § 12; 1983 (1st Ex. Sess.), No. 119, § 1; 1985, No. 888, § 25; A.S.A. 1947, § 13-515; Acts 1987, No. 928, § 15; 1989, No. 629, § 14; 1991, No. 1135, § 12; 1993, No. 1073, § 30; 1995, No. 1163, § 31; 1997, No. 1248, § 28; 1999, No. 1463, § 30; 2001, No. 1646, § 29; 2003 (1st Ex. Sess.), No. 55, § 39; 2005, No. 2282, § 16; 2005, No. 2316, § 16; 2007, No. 1032, § 34; 2007, No. 1201, § 34; 2009, No. 1440, § 7; 2009,

No. 1441, § 7; 2010, No. 262, § 12; 2010, No. 296, § 12; 2011, No. 1095, § 16; 2011, No. 1115, § 16.

**Amendments.** The 2009 amendment by identical acts Nos. 1440 and 1441 substituted "July 1, 2009" for "July 1, 2007," June 30, 2010" for "June 30, 2008," "July 2009" for "July 2007," and "(b-1)" for "(a-1)."

The 2010 amendment by identical acts Nos. 262 and 296 substituted "2010-2011 and thereafter" for "2009-2010" in the section catchline, substituted "July 1, 2010, and each fiscal year thereafter" for "July 1, 2009, and ending June 30, 2010,"

substituted "July 2010" for "July 2009," and substituted "§ 19-5-402(a) and (b)" for "§ 19-5-402(a), (b-1), and (b)" at the end.

The 2011 amendment by identical acts Nos. 1095 and 1115 substituted "2011-2012 and thereafter" for "2009-2010" in

the section heading; substituted "2011" for "2009" in two places; substituted "each fiscal year thereafter" for "ending June 30, 2010"; and substituted "§ 19-5-402(a) and (b)" for "§ 19-5-402(a), (b-1), and (b)."

## **19-5-402. Maximum allocations of revenues for fiscal year 2011-2012 and thereafter.**

(a) The Treasurer of State shall first make monthly allocations in the proportions set out in this subsection to the funds and fund accounts listed below until there has been transferred a total of four billion five hundred sixty-four million twenty-five thousand dollars (\$4,564,025,000) or so much thereof as may become available, provided that the Treasurer of State shall make such monthly allocations in accordance with each fund or fund account's proportionate part of the total of all such allocations set forth in this subsection:

Name of Fund or Fund Account	Maximum Allocation
<b>PUBLIC SCHOOL FUND</b>	
(1) Department of Education Public School Fund Account	\$1,904,970,389
(2) State Library Public School Fund Account	\$ 5,672,143
(3) Department of Career Education Public School Fund Account	\$ 32,284,224
<b>GENERAL EDUCATION FUND</b>	
(1) Department of Education Fund Account	\$ 15,471,687
(2) Educational Facilities Partnership Fund Account	\$ 34,828,951
(3) Division of Public School Academic Facilities and Transportation Fund Account	\$ 2,492,317
(4) Educational Television Fund Account	\$ 5,075,556
(5) School for the Blind Fund Account	\$ 6,110,288
(6) School for the Deaf Fund Account	\$ 10,457,470
(7) State Library Fund Account	\$ 3,345,374
(8) Department of Career Education Fund Account	\$ 3,341,028
(9) Rehabilitation Services Fund Account	\$ 12,953,772
<b>Technical Institutes:</b>	
(10) Crowley's Ridge Technical Institute Fund Account	\$ 2,498,384
(11) Northwest Technical Institute Fund Account	\$ 2,908,129
(12) Riverside Vocational Technical School Fund Account	\$ 2,226,907

Name of Fund or Fund Account	Maximum Allocation
<b>DEPARTMENT OF HUMAN SERVICES FUND</b>	
(1) Department of Human Services Administration Fund Account	\$ 15,637,721
(2) Aging and Adult Services Fund Account	\$ 17,391,126
(3) Children and Family Services Fund Account	\$ 49,511,800
(4) Child Care and Early Childhood Education Fund Account	\$ 563,454
(5) Youth Services Fund Account	\$ 48,255,346
(6) Developmental Disabilities Services Fund Account	\$ 61,773,664
(7) Medical Services Fund Account	\$ 4,958,217
(8) Department of Human Services Grants Fund Account	\$691,627,767
(9) Behavioral Health Services Fund Account	\$ 75,577,870
(10) State Services for the Blind Fund Account	\$ 1,880,943
(11) County Operations Fund Account	\$ 47,191,028
<b>STATE GENERAL GOVERNMENT FUND</b>	
(1) Department of Arkansas Heritage Fund Account	\$ 6,203,610
(2) Arkansas Agriculture Department Fund Account	\$ 15,851,863
(3) Department of Labor Fund Account	\$ 3,005,407
(4) Department of Higher Education Fund Account	\$ 3,100,000
(5) Higher Education Grants Fund Account	\$ 34,491,806
(6) Arkansas Economic Development Commission Fund Account	\$ 10,311,798
(7) Department of Correction Inmate Care and Custody Fund Account	\$296,737,360
(8) Department of Community Correction Fund Account	\$ 70,484,604
(9) State Military Department Fund Account	\$ 9,278,101
(10) Parks and Tourism Fund Account	\$ 22,607,437
(11) Arkansas Department of Environmental Quality Fund Account	\$ 4,210,633
(12) Miscellaneous Agencies Fund Account	\$ 57,905,113
<b>COUNTY AID FUND</b>	\$ 19,645,067
<b>COUNTY JAIL REIMBURSEMENT FUND</b>	\$ 9,453,607
<b>CRIME INFORMATION SYSTEM FUND</b>	\$ 3,806,833
<b>CHILD SUPPORT ENFORCEMENT FUND</b>	\$ 12,951,328
<b>PUBLIC HEALTH FUND</b>	\$ 90,975,276
<b>MERIT ADJUSTMENT FUND</b>	\$ 15,000,000
<b>MOTOR VEHICLE ACQUISITION REVOLVING FUND</b>	\$-

Name of Fund or Fund Account	Maximum Allocation
MUNICIPAL AID FUND	\$ 27,372,099
DEPARTMENT OF ARKANSAS STATE POLICE FUND	\$ 61,905,577
DEPARTMENT OF WORKFORCE SERVICES FUND	\$ 3,775,642
<b>INSTITUTIONS OF HIGHER EDUCATION</b>	
(1) ARKANSAS STATE UNIVERSITY FUND	\$ 56,158,938
(2) ARKANSAS TECH UNIVERSITY FUND	\$ 31,361,139
(3) HENDERSON STATE UNIVERSITY FUND	\$ 18,713,847
(4) SOUTHERN ARKANSAS UNIVERSITY FUND	\$ 15,449,575
(5) UNIVERSITY OF ARKANSAS FUND	\$115,924,500
(6) UNIVERSITY OF ARKANSAS FUND-ARCHEOLOGICAL SURVEY	\$ 2,327,380
(7) UNIVERSITY OF ARKANSAS FUND-DIVISION OF AGRICULTURE	\$ 62,800,138
(8) UNIVERSITY OF ARKANSAS FUND-CLINTON SCHOOL	\$ 2,295,575
(9) UNIVERSITY OF ARKANSAS FUND-CRIMINAL JUSTICE INSTITUTE	\$ 1,825,769
(10) SCHOOL FOR MATH, SCIENCE, AND ARTS FUND	\$ 1,113,015
(11) UNIVERSITY OF ARKANSAS AT FORT SMITH FUND	\$ 20,115,961
(12) UNIVERSITY OF ARKANSAS AT LITTLE ROCK FUND	\$ 59,758,439
(13) UNIVERSITY OF ARKANSAS MEDICAL CENTER FUND	\$ 97,716,239
(14) UNIVERSITY OF ARKANSAS MEDICAL CENTER FUND - CHILD SAFETY CENTER	\$ 720,588
(15) UNIVERSITY OF ARKANSAS MEDICAL CENTER FUND - INDIGENT CARE	\$ 5,342,181
(16) UNIVERSITY OF ARKANSAS AT MONTICELLO FUND	\$ 15,832,510
(17) UNIVERSITY OF ARKANSAS AT PINE BLUFF FUND	\$ 25,229,737
(18) UNIVERSITY OF CENTRAL ARKANSAS FUND	\$ 51,972,375
(19) ARKANSAS NORTHEASTERN COLLEGE FUND	\$ 8,577,052
(20) ARKANSAS STATE UNIVERSITY - BEEBE FUND	\$ 12,044,916
(21) ARKANSAS STATE UNIVERSITY - MOUNTAIN HOME FUND	\$ 3,555,592

Name of Fund or Fund Account	Maximum Allocation
(22) ARKANSAS STATE UNIVERSITY - NEWPORT FUND	\$ 5,992,293
(23) COSSATOT COMMUNITY COLLEGE OF THE UNIVERSITY OF ARKANSAS FUND	\$ 3,327,570
(24) EAST ARKANSAS COMMUNITY COLLEGE FUND	\$ 5,788,058
(25) MID-SOUTH COMMUNITY COLLEGE FUND	\$ 3,791,766
(26) NATIONAL PARK COMMUNITY COLLEGE FUND	\$ 8,900,298
(27) NORTH ARKANSAS COLLEGE FUND	\$ 7,966,091
(28) NORTHWEST ARKANSAS COMMUNITY COLLEGE FUND	\$ 9,784,051
(29) PHILLIPS COMMUNITY COLLEGE OF THE UNIVERSITY OF ARKANSAS FUND	\$ 9,063,088
(30) RICH MOUNTAIN COMMUNITY COLLEGE FUND	\$ 3,201,250
(31) SAU - TECH FUND	\$ 5,611,615
(32) SAU - TECH FUND-ENVIRONMENTAL CONTROL CENTER	\$ 368,404
(33) SAU - TECH FUND-FIRE TRAINING ACADEMY	\$ 1,651,221
(34) SOUTH ARKANSAS COMMUNITY COLLEGE FUND	\$ 5,994,317
(35) UNIVERSITY OF ARKANSAS COMMUNITY COLLEGE AT BATESVILLE FUND	\$ 4,020,646
(36) UNIVERSITY OF ARKANSAS COMMUNITY COLLEGE AT HOPE FUND	\$ 4,491,997
(37) UNIVERSITY OF ARKANSAS COMMUNITY COLLEGE AT MORRILTON FUND	\$ 4,735,870
(38) BLACK RIVER TECHNICAL COLLEGE FUND	\$ 6,011,126
(39) OUACHITA TECHNICAL COLLEGE FUND	\$ 3,506,108
(40) OZARKA COLLEGE FUND	\$ 2,959,592
(41) PULASKI TECHNICAL COLLEGE FUND	\$ 14,308,659
(42) SOUTHEAST ARKANSAS COLLEGE FUND	\$ 5,636,798

After making the maximum annual allocations provided for in subsection (a) of this section, the Treasurer of State shall transfer the next ten million dollars (\$10,000,000), or so much thereof as is available, to supplement the fund established as a set-aside in the 88th Session Projects Account of the General Improvement Fund in Section 3(a)(1) of the General Improvement Distribution Act, for transfers, from time to time, to the various fund and fund accounts in the Revenue Stabilization Law as amended, or for transfers, from time to time, for

projects in the Executive Discretionary Division (d), upon approval by the Legislative Council or Joint Budget Committee.

(b) After transferring ten million dollars (\$10,000,000) to the 88th Session Projects Account of the General Improvement Fund to supplement the fund established as a set-aside in the 88th Session Projects Account of the General Improvement Fund in Section 3(a)(1) of the General Improvement Distribution Act, the Treasurer of State shall then make allocations from the remaining general revenues available for distribution, as set forth in this subsection, to the funds and fund accounts listed below until there has been transferred a total of thirty-one million nine hundred thousand dollars (\$31,900,000) or so much thereof that may become available; provided, that the Treasurer of State shall make such monthly allocations in accordance with each fund or fund account's proportionate part of the total of all such allocations set forth in this subsection:

Name of Fund or Fund Account	Maximum Allocation
<b>PUBLIC SCHOOL FUND</b>	
(1) Department of Education Public School Fund Account	\$-
(2) State Library Public School Fund Account	\$ 84,515
(3) Department of Career Education Public School Fund Account	\$ 478,682
<b>GENERAL EDUCATION FUND</b>	
(1) Department of Education Fund Account	\$ 229,401
(2) Educational Facilities Partnership Fund Account	\$ 516,413
(3) Division of Public School Academic Facilities and Transportation Fund Account	\$ 36,954
(4) Educational Television Fund Account	\$ 75,256
(5) School for the Blind Fund Account	\$ 92,081
(6) School for the Deaf Fund Account	\$ 156,537
(7) State Library Fund Account	\$ 51,085
(8) Department of Career Education Fund Account	\$ 49,538
(9) Rehabilitation Services Fund Account	\$ 192,067
<b>Technical Institutes:</b>	
(10) Crowley's Ridge Technical Institute Fund Account	\$ 37,044
(11) Northwest Technical Institute Fund Account	\$ 43,861
(12) Riverside Vocational Technical School Fund Account	\$ 33,019
<b>DEPARTMENT OF HUMAN SERVICES FUND</b>	
(1) Department of Human Services Administration Fund Account	\$ 231,862
(2) Aging and Adult Services Fund Account	\$ 257,860

Name of Fund or Fund Account	Maximum Allocation
(3) Children and Family Services Fund Account	\$ 749,828
(4) Child Care and Early Childhood Education Fund Account	\$ 8,354
(5) Youth Services Fund Account	\$ 745,142
(6) Developmental Disabilities Services Fund Account	\$ 915,926
(7) Medical Services Fund Account	\$ 73,516
(8) Department of Human Services Grants Fund Account	\$ 10,254,853
(9) Behavioral Health Services Fund Account	\$ 1,167,936
(10) State Services for the Blind Fund Account	\$ 27,889
(11) County Operations Fund Account	\$ 699,707
<b>STATE GENERAL GOVERNMENT FUND</b>	
(1) Department of Arkansas Heritage Fund Account	\$ 91,982
(2) Arkansas Agriculture Department Fund Account	\$ 237,411
(3) Department of Labor Fund Account	\$ 44,562
(4) Department of Higher Education Fund Account	\$ 45,964
(5) Higher Education Grants Fund Account	\$ 511,414
(6) Arkansas Economic Development Commission Fund Account	\$ 152,894
(7) Department of Correction Inmate Care and Custody Fund Account	\$-
(8) Department of Community Correction Fund Account	\$-
(9) State Military Department Fund Account	\$ 137,568
(10) Parks and Tourism Fund Account	\$ 335,203
(11) Arkansas Department of Environmental Quality Fund Account	\$ 62,432
(12) Miscellaneous Agencies Fund Account	\$ 2,107,508
<b>COUNTY AID FUND</b>	
COUNTY JAIL REIMBURSEMENT FUND	\$ 291,280
CRIME INFORMATION SYSTEM FUND	\$ 140,170
CHILD SUPPORT ENFORCEMENT FUND	\$ 54,591
PUBLIC HEALTH FUND	\$ 192,031
MERIT ADJUSTMENT FUND	\$ 1,350,988
MOTOR VEHICLE ACQUISITION REVOLVING FUND	\$-
MUNICIPAL AID FUND	\$ 405,850
DEPARTMENT OF ARKANSAS STATE POLICE FUND	\$ 917,882
DEPARTMENT OF WORKFORCE SERVICES FUND	\$ 55,982

Name of Fund or Fund Account	Maximum Allocation
INSTITUTIONS OF HIGHER EDUCATION	
(1) ARKANSAS STATE UNIVERSITY FUND	\$ 1,223,171
(2) ARKANSAS TECH UNIVERSITY FUND	\$ 429,051
(3) HENDERSON STATE UNIVERSITY FUND	\$ 30,484
(4) SOUTHERN ARKANSAS UNIVERSITY FUND	\$ 116,468
(5) UNIVERSITY OF ARKANSAS FUND	\$ 1,499,553
(6) UNIVERSITY OF ARKANSAS FUND-ARCHEOLOGICAL SURVEY	\$ 5,357
(7) UNIVERSITY OF ARKANSAS FUND-DIVISION OF AGRICULTURE	\$ 107,895
(8) UNIVERSITY OF ARKANSAS FUND-CLINTON SCHOOL	\$ 5,627
(9) UNIVERSITY OF ARKANSAS FUND-CRIMINAL JUSTICE INSTITUTE	\$ 4,614
(10) SCHOOL FOR MATH, SCIENCE, AND ARTS FUND	\$ 13,439
(11) UNIVERSITY OF ARKANSAS AT FORT SMITH FUND	\$ 223,655
(12) UNIVERSITY OF ARKANSAS AT LITTLE ROCK FUND	\$ 675,552
(13) UNIVERSITY OF ARKANSAS MEDICAL CENTER FUND	\$ 602,227
(14) UNIVERSITY OF ARKANSAS MEDICAL CENTER FUND - CHILD SAFETY CENTER	\$ 594
(15) UNIVERSITY OF ARKANSAS MEDICAL CENTER FUND - INDIGENT CARE	\$ 4,363
(16) UNIVERSITY OF ARKANSAS AT MONTICELLO FUND	\$ 105,556
(17) UNIVERSITY OF ARKANSAS AT PINE BLUFF FUND	\$ 96,558
(18) UNIVERSITY OF CENTRAL ARKANSAS FUND	\$ 589,185
(19) ARKANSAS NORTHEASTERN COLLEGE FUND	\$ 246
(20) ARKANSAS STATE UNIVERSITY - BEEBE FUND	\$ 45,570
(21) ARKANSAS STATE UNIVERSITY - MOUNTAIN HOME FUND	\$ 71,353
(22) ARKANSAS STATE UNIVERSITY - NEWPORT FUND	\$ 45,747
(23) COSSATOT COMMUNITY COLLEGE OF THE UNIVERSITY OF ARKANSAS FUND	\$ 56,842
(24) EAST ARKANSAS COMMUNITY COLLEGE	

Name of Fund or Fund Account	Maximum Allocation
FUND	\$-
(25) MID-SOUTH COMMUNITY COLLEGE FUND	\$ 168,328
(26) NATIONAL PARK COMMUNITY COLLEGE	
FUND	\$ 125,073
(27) NORTH ARKANSAS COLLEGE FUND	\$ 55,361
(28) NORTHWEST ARKANSAS COMMUNITY	
COLLEGE FUND	\$ 295,175
(29) PHILLIPS COMMUNITY COLLEGE OF THE	
UNIVERSITY OF ARKANSAS FUND	\$-
(30) RICH MOUNTAIN COMMUNITY COLLEGE	
FUND	\$ 27,557
(31) SAU - TECH FUND	\$ 70,081
(32) SAU - TECH FUND-ENVIRONMENTAL CON-	
TROL CENTER	\$ 1,843
(33) SAU - TECH FUND-FIRE TRAINING ACAD-	
EMY	\$ 6,897
(34) SOUTH ARKANSAS COMMUNITY COLLEGE	
FUND	\$ 48,671
(35) UNIVERSITY OF ARKANSAS COMMUNITY	
COLLEGE AT BATESVILLE FUND	\$ 83,954
(36) UNIVERSITY OF ARKANSAS COMMUNITY	
COLLEGE AT HOPE FUND	\$ 15,707
(37) UNIVERSITY OF ARKANSAS COMMUNITY	
COLLEGE AT MORRILTON FUND	\$ 124,438
(38) BLACK RIVER TECHNICAL COLLEGE FUND	\$ 73,274
(39) OUACHITA TECHNICAL COLLEGE FUND	\$ 49,084
(40) OZARKA COLLEGE FUND	\$ 57,177
(41) PULASKI TECHNICAL COLLEGE FUND	\$ 357,065
(42) SOUTHEAST ARKANSAS COLLEGE FUND	\$ 42,170

**History.** Acts 1973, No. 750, § 11; 1974 (1st Ex. Sess.), No. 90, § 1; 1975, No. 868, § 15; 1977, No. 955, § 1; 1977 (1st Ex. Sess.), No. 7, § 1; 1979, No. 1115, § 1; 1981, No. 937, § 1; 1983, No. 801, § 12; 1983 (1st Ex. Sess.), No. 119, § 1; 1985, No. 888, § 25; A.S.A. 1947, § 13-515; Acts 1987, No. 928, § 15; 1989, No. 629, § 15; 1991, No. 1135, § 14; 1993, No. 1073, § 32; 1995, No. 1163, § 32; 1997, No. 1248, § 29; 1999, No. 1463, § 31; 2001, No. 1646, § 30; 2003 (1st Ex. Sess.), No. 55, § 40; 2005, No. 2282, § 17; 2005, No. 2316, § 17; 2007, No. 1032, § 35; 2007, No. 1201, § 35; 2009, No. 1440, § 8; 2009, No. 1441, § 8; 2010, No. 262, § 13; 2010,

No. 296, § 13; 2011, No. 1095, § 17; 2011, No. 1115, § 17.

**Amendments.** The 2009 amendment by identical acts Nos. 1440 and 1441 rewrote the section.

The 2010 amendment by identical acts Nos. 262 and 296 rewrote all dollar amounts under the "Maximum Allocation" heading throughout the section; substituted "four billion four hundred forty-four million three hundred eighty-six thousand eight hundred eighty-six dollars (\$4,444,386,886)" for "four billion four hundred ninety-eight million seven hundred forty-nine thousand one hundred twelve dollars (\$4,498,749,112)" in the in-

introductory language of (a); deleted (b-1); substituted "thirty-four million five hundred thirteen thousand one hundred fourteen dollars (\$34,513,114)" for "thirty-nine million four hundred twelve thousand four hundred ninety-two dollars

(\$39,412,492)" in (b); and substituted "2010-2011 and thereafter" for "2009-2010" in the section heading.

The 2011 amendment by identical acts Nos. 1095 and 1115 rewrote the section.

### **19-5-403. [Repealed.]**

**Publisher's Notes.** This section, concerning allocations for fiscal year 2008-2009 and thereafter, was repealed by Acts 2010, No. 262 § 3, and Acts 2010, No. 296, § 3, effective July 1, 2010. The section was derived from Acts 1973, No. 750, § 11; 1974 (1st Ex. Sess.), No. 90, § 1; 1975, No. 868, § 15; 1977, No. 955, § 1; 1977 (1st Ex. Sess.), No. 7, § 1; 1979, No. 1115, § 1; 1981, No. 937, § 1; 1983, No. 801, § 12;

1983 1st (1st Ex. Sess.), No. 119, § 1; 1985, No. 888, § 25; A.S.A. 1947, § 13-515; Acts 1987, No. 928, § 15; 1989, No. 629, § 16; 1991, No. 1135, § 13; 1993, No. 1073, § 31; 1995, No. 1163, § 33; 1997, No. 1248, § 30; 1999, No. 1463, § 32; 2001, No. 1646, § 31; 2003 (1st Ex. Sess.), No. 55, § 41; 2005, No. 2282, § 18; 2005, No. 2316, § 18; 2007, No. 1032, § 36; 2007, No. 1201, § 36.

### **19-5-404. [Repealed.]**

**Publisher's Notes.** This section, concerning the maximum allocations of revenues for fiscal year 2008 - 2009 and thereafter, was repealed by Acts 2010, No. 262 § 4, and Acts 2010, No. 296, § 4, effective July 1, 2010. The section was derived from Acts 1973, No. 750, § 11; 1974 (1st Ex. Sess.), No. 90, § 1; 1975, No. 868, § 15; 1977, No. 955, § 1; 1977 (1st Ex. Sess.), No. 7, § 1; 1979, No. 1115, § 1; 1981, No. 937, § 1; 1983, No. 801, § 12;

1983 (1st Ex. Sess.), No. 119, § 1; 1985, No. 888, § 25; A.S.A. 1947, § 13-515; Acts 1987, No. 928, § 15; 1989, No. 629, § 17; 1991, No. 1135, § 15; 1993, No. 1073, § 33; 1995, No. 1163, § 34; 1997, No. 1248, § 31; 1999, No. 1463, § 33; 2001, No. 1646, § 32; 2003 (1st Ex. Sess.), No. 55, § 42; 2005, No. 2282, § 19; 2005, No. 2316, § 19; 2007, No. 1032, § 37; 2007, No. 1201, § 37.

### **19-5-405. Authority of Treasurer of State.**

The Treasurer of State, in calculating the proportionate share of the maximum allocation to determine the monthly distribution of net general revenues available for distribution for each fund or fund account, as authorized in this subchapter, shall compute the calculation of five (5) digits to the right of the decimal point, "rounded off". In the event the Treasurer of State shall determine that there are errors in any of the totals of the respective funds or fund accounts for which distributions are authorized in this subchaper, the maximum allocation authorized for each fund and fund account within each subsection shall govern with respect to the allocation to be made to those funds and fund accounts. The Treasurer of State is authorized to correct errors in totals thereof, as reflected in this subchapter, prior to computing the calculations of the proportionate share of the maximum allocations to be determined in making monthly distributions of net general revenues available for distribution for each fund or fund account, as authorized within the respective priorities set forth in this subchapter.

**History.** Acts 1973, No. 750, § 11; 1974 (1st Ex. Sess.), No. 90, § 1; 1975, No. 868, § 15; 1977, No. 955, § 1; 1977 (1st Ex. Sess.), No. 7, § 1; 1979, No. 1115, § 1; 1981, No. 937, § 1; 1983, No. 801, § 12; 1983 (1st Ex. Sess.), No. 119, § 1; 1985, No. 888, § 25; A.S.A. 1947, § 13-515; Acts

1987, No. 928, § 15; 2010, No. 262, § 5; 2010, No. 296, § 5.

**Amendments.** The 2010 amendment by identical acts Nos. 262 and 296 substituted “this subchapter” for “§§ 19-5-401 — 19-5-406” three times.

## 19-5-406. Transfer of remaining revenues.

After making the maximum annual allocation, as provided in § 19-5-402, all remaining general revenues available for distribution during each fiscal year shall be transferred on the last day of business in each calendar month to the General Revenue Allotment Reserve Fund, there to be used for the respective purposes as provided by law.

**History.** Acts 1973, No. 750, § 11; 1974 (1st Ex. Sess.), No. 90, § 1; 1975, No. 868, § 15; 1977, No. 955, § 1; 1977 (1st Ex. Sess.), No. 7, § 1; 1979, No. 1115, § 1; 1981, No. 937, § 1; 1983, No. 801, § 12; 1983 (1st Ex. Sess.), No. 119, § 1; 1985,

No. 888, § 25; A.S.A. 1947, § 13-515; Acts 1987, No. 928, § 15; 2010, No. 262, § 6; 2010, No. 296, § 6.

**Amendments.** The 2010 amendment by identical acts Nos. 262 and 296 deleted “and 19-5-404” following “§§ 19-5-402.”

## SUBCHAPTER 5 — BUDGET STABILIZATION TRUST FUND

### SECTION.

#### 19-5-501. Fund generally.

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**Effective Dates.** Acts 2011, No. 1095, § 18: July 1, 2011. Emergency clause provided: “It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state’s fiscal laws must take effect at the beginning of the fiscal year, that if the current legislative session is extended such that the 90 day period is later than July 1, 2011 the changes will not be timely. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2011.”

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Acts 2011, No. 1115, § 18: July 1, 2011. Emergency clause provided: “It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state’s fiscal laws must take effect at the beginning of the fiscal year, that if the current legislative session is extended such that the 90 day period is later than July 1, 2011 the changes will not be timely. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2011.”

#### 19-5-501. Fund generally.

(a)(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Budget Stabilization Trust Fund”.

(2) The Budget Stabilization Trust Fund shall consist of funds made available and transferred to it from the Securities Reserve Fund as set

out in § 19-5-905 and this section, the fund balance and other assets remaining in the State Budget Revolving Fund on June 30, 1987, and any other funds made available by law. The Treasurer of State, after complying with § 27-70-204 for distributing interest income earned from investment of average daily balances of the State Highway and Transportation Department Fund; § 15-41-110 for distributing interest earned from investment of average daily balances of the Game Protection Fund; and any other laws enacted by the General Assembly for disposition of interest income earned from investment of average daily State Treasury balances, shall credit to the Budget Stabilization Trust Fund fifty percent (50%) of the interest income received and credited to the Securities Reserve Fund and credit to the General Improvement Fund fifty percent (50%) of the interest income received and credited to the Securities Reserve Fund as certified by the Chief Fiscal Officer of the State.

(b) The Budget Stabilization Trust Fund shall be used for the purpose of:

(1)(A) Making temporary loans to those funds and fund accounts as set out in § 19-5-401 et seq., to the Department of Correction Farm Fund for farm production purposes, to the Department of Correction Prison Industry Fund, to the Department of Parks and Tourism Fund Account, to the Income Tax Refund Fund, to the Gasoline Tax Refund Fund, to the Interstate Motor Fuel Tax Refund Fund, and to the various funds established in the Revenue Classification Law of Arkansas, § 19-6-101 et seq., and any other funds or fund accounts as may be specified elsewhere in this section. The loans made to the funds and fund accounts set out in § 19-5-401 et seq. shall be repaid on or before June 30 of the fiscal year in which the loan is made, except as provided elsewhere in this section.

(B) The loans made to the Department of Correction Farm Fund are to be repaid on or before June 30 of the fiscal year following the fiscal year in which the loan was made after the amount of the outstanding loan made the previous fiscal year has been reduced by the value of products produced or processed on the farm that were consumed by inmates and other authorized personnel, in amounts as determined and certified by the Legislative Auditor to the Chief Fiscal Officer of the State. Processed beef purchased by the Department of Correction must be U.S. labeled. The value of products produced or processed on the farm that were consumed by inmates and other authorized personnel shall be based upon prices obtained by the Department of Correction and the State Procurement Director for purchasing similar products and quantities on the open market for other state agencies, institutions, and universities. However, the Chief Fiscal Officer of the State may grant an extension not to exceed sixty (60) days for repayment of loans made to the Department of Correction Farm Fund upon receipt by the Chief Fiscal Officer of the State of a certification by the Director of the Department of Correction that farm products are held in storage or are on hand that exceed

in market value the amount of loans that are due, and the Chief Fiscal Officer of the State may grant an additional extension not to exceed sixty (60) days for repayment of the loan made to the Department of Correction Farm Fund, after obtaining the advice of the Legislative Council in regard to a request from the Department of Correction for the additional sixty-day extension for repayment of the loan. Loans made to the Department of Correction Prison Industry Fund for operation expenses shall be repaid on or before June 30 of the fiscal year in which the loan was made, but loans made for the purchase of equipment necessary for implementing the various industries shall be repaid from time to time.

(C) The loans made to the Income Tax Refund Fund, to the Gasoline Tax Refund Fund, to the Interstate Motor Fuel Tax Refund Fund, and to those other funds established in the Revenue Classification Law, § 19-6-101 et seq., are to be repaid on the last day of the month of which the loan was made. However, loans made to the Department of Human Services Fund during June of any fiscal year for making cash assistance payments to eligible individuals under the Temporary Assistance for Needy Families Program for delivery on or about July 1 of the following fiscal year shall be repaid on or before July 31 of the fiscal year following the fiscal year in which the loan was made; and loans made to the Department of Human Services for the Developmental Disabilities Services Fund Account and the Behavioral Health Services Fund Account in the last month of a fiscal year for federal reimbursement for Medicaid and Medicare eligible services shall be repaid immediately upon receipt of reimbursement but no later than July 31 of the fiscal year following the fiscal year in which the loan was made.

(D) The maximum amount of funds that may be loaned to the funds established in the Revenue Classification Law, § 19-6-101 et seq., shall be ninety-seven percent (97%) of the estimated revenues to be deposited into the State Treasury during that month to the credit of the State Apportionment Fund and which will become available to that operating fund at the end of the month, excluding the Department of Correction Farm Fund, the Department of Correction Prison Industry Fund, the Department of Arkansas State Police Fund, and the State Forestry Fund. Loans and distribution of general revenue funds made to the County Aid Fund and the Municipal Aid Fund are to be made on the basis and to the extent of the funds estimated to be available as set out in § 19-5-402(a) so that an equal monthly distribution of general revenues is made, based upon the Chief Fiscal Officer of the State's monthly forecasts of general revenue distribution.

(E) Temporary loans may be made to the institutions of higher education for operational purposes. In making these loans, the following procedures shall be applicable. The institutions of higher education shall submit requests for loans to both the Director of the Department of Higher Education and the Chief Fiscal Officer of the

State setting forth the need for the loan. The requests shall include at least the following:

- (i) The current total cash balance of all accounts of the requesting institution's cash funds;
- (ii) The reasons why the cash fund balances and their general revenue fund balances are insufficient to meet current obligations;
- (iii) The anticipated duration of the loan; and
- (iv) A proposed repayment schedule.

(F) The Chief Fiscal Officer of the State and the Director of the Department of Higher Education shall review the request for the loan. The Director of the Department of Higher Education shall recommend, in writing, the approval or disapproval of the loan and the reasons for the recommendation to the Chief Fiscal Officer of the State. The Chief Fiscal Officer of the State shall review the institution's request, the funds available in the Budget Stabilization Trust Fund, and the recommendation of the Director of the Department of Higher Education. The Chief Fiscal Officer of the State may request such additional information as is deemed necessary to make a determination as to whether the request should be approved. If the Chief Fiscal Officer of the State determines that the request is proper and necessary for the operation of the institution and that sufficient funds are available, the Chief Fiscal Officer of the State shall approve the request and establish a repayment schedule for the loan. If the Chief Fiscal Officer of the State determines that the loan is not necessary or required, or that funds are not available, the Chief Fiscal Officer of the State shall deny the request. The Chief Fiscal Officer of the State shall communicate in writing to the institution and to the Director of the Department of Higher Education the reasons for disapproval of the requested loan. All loans made to the institutions of higher education under the provisions of this subdivision shall be repaid in full by June 30 of the fiscal year in which the loan was made. In the event an agency or program is established by the General Assembly which is to be supported solely from other than general revenues or federal funds, the Chief Fiscal Officer of the State may make a temporary loan from the Budget Stabilization Trust Fund to the agency or program to the extent necessary for carrying out the intent of the enabling legislation. The amount of the loan shall be determined by the Chief Fiscal Officer of the State, and the loans shall be repaid in full by June 30 of the fiscal year in which the loan was made;

(2) Making transfers to the University of Arkansas Fund on account of interest on the University of Arkansas Endowment Fund of an amount which, when added to the interest earned on the investment of the endowment fund, shall not exceed the sum of six thousand six hundred thirty-three dollars and thirty-four cents (\$6,633.34) during any fiscal year;

(3) Making transfers to the State Military Department Fund Account of the State General Government Fund as established in § 19-5-

302(2)(A)-(C) for the purpose of providing reimbursement or immediate funding for expenses incurred by the State Military Department on behalf of the National Guard emergency call-up appropriation;

(4) Making transfers to the General Improvement Fund as established in § 19-5-1005 in order to provide supplemental funding for appropriations supported from the General Improvement Fund as may be provided by law;

(5) Providing funding, either in whole or in part, for programs as may be authorized by the General Assembly and which are specified as being funded in whole or in part from the Budget Stabilizaton Trust Fund;

(6) Making transfers to the State Highway and Transportation Department Fund as may be authorized by law and making transfers not to exceed one million dollars (\$1,000,000) in any one (1) fiscal year to provide the state's proportionate share of each declared emergency or major disaster as required by the federal Disaster Relief Act of 1974;

(7) Making transfers to the Miscellaneous Revolving Fund, as established in § 19-5-1009, to provide funding in whole or in part for appropriations made payable from the Miscellaneous Revolving Fund;

(8) Making temporary advances to the various federal accounts of state agencies upon certification of the pending availability of federal funding by the director of the state agency making the request. However, the requests shall be limited to those occasions whereby the continued operations of the state agency programs would be seriously impaired and unnecessary hardships would be created due to either administrative oversight, delays by the federal government in forwarding the moneys, or by problems created by the federal fiscal year conversion. Furthermore, upon receipt of the grant award authorizations or letter of credit documents, the state agency director shall certify to the Chief Fiscal Officer of the State the amounts of temporary advances to be recovered, whereby the Chief Fiscal Officer of the State shall make recovery and notify the Treasurer of State and the Auditor of State of the recovery. Furthermore, the temporary advances shall be recovered on or before June 30 of the fiscal year in which the temporary advances were made; and

(9) Those functions formerly performed by the State Budget Revolving Fund.

(c) In addition to the purposes for which the Budget Stabilization Trust Fund may be used as set forth in this section, the fund shall also be used to make temporary loans to the Constitutional Officers Fund and the State Central Services Fund. Loans made to the Constitutional Officers Fund and the State Central Services Fund under the provisions of this section shall be repaid on or before June 30 of the fiscal year in which the loans are made.

(d) The Chief Fiscal Officer of the State is authorized to transfer up to a maximum of four million dollars (\$4,000,000) from the Budget Stabilization Trust Fund to the State Central Services Fund, only in those instances when obligations incurred by the State Central Services

Fund are estimated to exceed or are actually exceeding estimated or actual available resources. The transfer shall also be utilized to provide a level of funding, for those appropriations made payable from the State Central Services Fund, equal to the previous year's expenditure or the current year appropriation, whichever is less, in the event that income from all sources does not provide that funding level. Any transfer made as authorized in this section shall require the review and advice of the Legislative Council prior to the transfer of those funds.

**History.** Acts 1973, No. 750, § 8; 1977, No. 5, § 2; A.S.A. 1947, §§ 13-523a, 13-531; 1987, No. 928, § 9; 1987, No. 945, §§ 4, 7; 1987 (1st Ex. Sess.), No. 14, § 1; 1987 (1st Ex. Sess.), No. 24, § 1; 1987 (1st Ex. Sess.), No. 59, § 1; 1991, No. 1085, § 28; 1993, No. 618, §§ 12, 13; 1993, No. 643, § 1; 1995, No. 171, § 1; 1997, No.

1248, §§ 36, 37; 2001, No. 1646, §§ 5-7; 2011, No. 1095, § 6; 2011, No. 1115, § 6.

**Amendments.** The 2011 amendment by identical acts Nos. 1095 and 1115 substituted "Behavioral Health Services Fund Account" for "Mental Health Services Fund Account" in (b)(1)(C).

## 19-5-506. Financial aid programs.

**A.C.R.C. Notes.** Acts 2011, No. 1065, § 18, provided: "LOANS. In order to provide timely payments under financial aid appropriations made in this Act, the Chief Fiscal Officer of the State is authorized to provide loans from the Budget Stabilization Trust Fund to make available all funds attributable to the financial aid programs under the then current official revenue estimates. In the event of an unanticipated state revenue shortfall, any

such loans remaining at the end of a fiscal year shall be repaid from revenues distributed in the first two months of the next fiscal year. Funds for appropriations made in this Act for purposes other than financial aid shall not be affected by the application of this provision.

"The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012."

## SUBCHAPTER 6 — MUNICIPAL AND COUNTY AID FUNDS

**A.C.R.C. Notes.** Acts 2011, No. 322, § 11, provided: "LOANS TO CITIES AND COUNTIES. On July 1 of each fiscal year, the Chief Fiscal Officer of the State shall request a transfer by the State Treasurer from the Budget Stabilization Trust Fund to the County Aid Fund and to the Municipal Aid Fund to assist the various cities and counties in meeting cash flow needs early in the state fiscal year. The transfer shall be a loan to be repaid in equal installments from general revenue distributions each month during the fiscal year for which the loan was made and shall be in addition to any other loans authorized by law for the County Aid and Municipal Aid Funds. The amount of such loan for each fiscal year shall be \$3,517,657 to the Municipal Aid Fund and \$1,906,079 to the County Aid Fund, or so much thereof as may be available in the Budget Stabiliza-

tion Trust Fund as determined by the Chief Fiscal Officer of the State. Upon such transfer being completed, the State Treasurer shall immediately distribute such funds to each of the several municipalities and counties in the same manner as general revenues are distributed.

"It is the intent of the General Assembly that the Chief Fiscal Officer of the State and the State Treasurer shall make every reasonable, and financially sound effort to insure that local governments receive the full amount of the loan authorized herein on July 1 of each year and that the monies authorized for local governments from general revenues be distributed in equal monthly payments.

"The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012."

Acts 2011, No. 322, § 12, provided:

**CARRY FORWARD.** At the close of each fiscal year any unexpended funds for the County Aid and Municipal Aid line items shall be carried forward and made available for the same purpose for the next fiscal year.

"Any carry forward of unexpended balance of funding as authorized herein, may be carried forward under the following conditions:

"(1) Prior to June 30, 2012 the Agency shall by written statement set forth its reason(s) for the need to carry forward said funding to the Department of Finance and Administration Office of Budget;

"(2) The Department of Finance and Administration Office of Budget shall report to the Arkansas Legislative Council all amounts carried forward by the September Arkansas Legislative Council or Joint Budget Committee meeting which report shall include the name of the Agency, Board, Commission or Institution and the amount of the funding carried forward, the program name or line item,

the funding source of that appropriation and a copy of the written request set forth in (1) above;

"(3) Each Agency, Board, Commission or Institution shall provide a written report to the Arkansas Legislative Council or Joint Budget Committee containing all information set forth in item (2) above, along with a written statement as to the current status of the project, contract, purpose etc. for which the carry forward was originally requested no later than thirty (30) days prior to the time the Agency, Board, Commission or Institution presents its budget request to the Arkansas Legislative Council/Joint Budget Committee; and

"(4) Thereupon, the Department of Finance and Administration shall include all information obtained in item (3) above in the budget manuals and/or a statement of non-compliance by the Agency, Board, Commission or Institution.

"The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012."

## SUBCHAPTER 9 — TRUST FUNDS

### SECTION.

- 19-5-911. Second Injury Trust Fund.
- 19-5-912. Department of Workforce Services Trust Fund.
- 19-5-921. Educational Buildings Maintenance Fund.
- 19-5-924. Workers' Compensation Fund.
- 19-5-925. Death and Permanent Total Disability Trust Fund.
- 19-5-930. Hazardous Substance Remedial Action Trust Fund.
- 19-5-941. [Repealed.]
- 19-5-945. Court Awards Fund.
- 19-5-950. Crime Victims Reparations Revolving Fund.

### SECTION.

- 19-5-953. Long-Term Care Trust Fund.
- 19-5-957. Identification Pending Trust Fund for Local Sales and Use Taxes. [Effective October 1, 2011.]
- 19-5-961. Solid Waste Management and Recycling Fund.
- 19-5-977. [Repealed.]
- 19-5-998. Abandoned Agricultural Pesticide and Plant Regulator Disposal Trust Fund.

**Effective Dates.** Acts 2009, Nos. 1440 and 1441, § 11: July 1, 2009. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state's fiscal laws must take effect at the beginning of the fiscal year, that if the current legislative session is extended such that the 90 day period is later than July 1, 2009 the changes will not be

timely. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2009."

Acts 2009, No. 1469, § 32: Apr. 10, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that it is the state's constitutional obligation to pro-

vide a general, suitable, and efficient free system of public schools in the state; that the public school funding distribution changes in this act are needed to ensure that proper funding is provided to the affected public schools and school districts; and that this act is immediately necessary so that the affected public schools and school districts will receive the amount of funding for the current school year. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2010, No. 262, § 17: July 1, 2010. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state's fiscal laws must take effect at the beginning of the fiscal year, that the effectiveness of this act on July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval, is essential to the operation of the agencies for which allocations in this act are provided, and the delay in the effective date of this act beyond July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval, could work irreparable harm upon the proper administration and provision of essential government programs. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval."

Acts 2010, No. 296, § 17: July 1, 2010. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state's fiscal laws must take effect at the beginning of the fiscal year, that the effectiveness of this act on July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval, is essential to the operation of the agencies for which allocations in this act are provided, and the delay in the effective date of this act beyond July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval, could work irreparable harm upon the proper administration and provision of essential government programs. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval."

Acts 2011, No. 828, § 11: Oct. 1, 2011. Effective date clause provided: "Sections 1 through 10 of this act are effective on the first day of the calendar quarter following the effective date of this act [July 27, 2011]."

Acts 2011, No. 1011, § 8: July 1, 2011. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that lead and lead-based paint have been determined to be a human health concern posing an immediate danger to children, families, and the environment; and that this act is immediately necessary to prevent irreparable harm to children in this state. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2011."

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## 19-5-911. Second Injury Trust Fund.

**A.C.R.C. Notes.** Acts 2010, No. 129, § 9, provided: "INVESTMENTS. All such

funds as are held at any time in the Death and Permanent Total Disability Trust

Fund, Second Injury Trust Fund, and the Workers' Compensation Fund shall be invested and reinvested to the extent feasible, all such investments as authorized for use by the Office of the Treasurer shall be available to the listed funds. The movement of these funds into and out of investments shall be by fund transfers as directed by the Chief Executive Officer of the Workers' Compensation Commission."

Acts 2011, No. 917, § 7, provided: "SPECIAL LANGUAGE. INVESTMENTS. All such funds as are held at any time in the

Death and Permanent Total Disability Trust Fund, Second Injury Trust Fund, and the Workers' Compensation Fund shall be invested and reinvested to the extent feasible, all such investments as authorized for use by the Office of the Treasurer shall be available to the listed funds. The movement of these funds into and out of investments shall be by fund transfers as directed by the Chief Executive Officer of the Workers' Compensation Commission."

## 19-5-912. Department of Workforce Services Trust Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the "Department of Workforce Services Trust Fund".

(b) The fund shall consist of such revenues as may be authorized by the federal government for support of various programs within the Department of Workforce Services, any interest accruing on these revenues, and any other funds made available by the General Assembly.

(c) The fund shall be used for the payment of program expenses of the department.

**History.** Acts 1973, No. 750, § 8; A.S.A. 1947, § 13-531; Acts 1995, No. 308, § 1; 2009, No. 251, § 12.

**Amendments.** The 2009 amendment substituted "Department of Workforce Services" for "Employment Security De-

partment" in the section heading; substituted "Department of Workforce Services" for "Arkansas Employment Security Department" in (a); and made minor punctuation and stylistic changes.

## 19-5-921. Educational Buildings Maintenance Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the "Educational Buildings Maintenance Fund".

(b) The fund shall consist of rents and any other revenues that are made available by law.

(c) The fund shall be used for the purposes of operating expenses, maintenance, renovations, and repairs.

**History.** Acts 1973, No. 750, § 8; A.S.A. 1947, § 13-531; Acts 2009, No. 1469, § 28.

**A.C.R.C. Notes.** Acts 2009, No. 1469, § 29, provided: "Any appropriation or funds payable from the former Educational Building Revenue Bond Fund shall

be deemed payable from the Educational Buildings Maintenance Fund."

**Amendments.** The 2009 amendment substituted "Buildings Maintenance" for "Building Revenue Bond" in the section heading; and rewrote the section.

**19-5-924. Workers' Compensation Fund.**

**A.C.R.C. Notes.** Acts 2010, No. 129, § 9, provided: "INVESTMENTS. All such funds as are held at any time in the Death and Permanent Total Disability Trust Fund, Second Injury Trust Fund, and the Workers' Compensation Fund shall be invested and reinvested to the extent feasible, all such investments as authorized for use by the Office of the Treasurer shall be available to the listed funds. The movement of these funds into and out of investments shall be by fund transfers as directed by the Chief Executive Officer of the Workers' Compensation Commission."

Acts 2011, No. 917, § 7, provided: "SPE-

CIAL LANGUAGE. INVESTMENTS. All such funds as are held at any time in the Death and Permanent Total Disability Trust Fund, Second Injury Trust Fund, and the Workers' Compensation Fund shall be invested and reinvested to the extent feasible, all such investments as authorized for use by the Office of the Treasurer shall be available to the listed funds. The movement of these funds into and out of investments shall be by fund transfers as directed by the Chief Executive Officer of the Workers' Compensation Commission."

**19-5-925. Death and Permanent Total Disability Trust Fund.**

**A.C.R.C. Notes.** Acts 2010, No. 129, § 9, provided: "INVESTMENTS. All such funds as are held at any time in the Death and Permanent Total Disability Trust Fund, Second Injury Trust Fund, and the Workers' Compensation Fund shall be invested and reinvested to the extent feasible, all such investments as authorized for use by the Office of the Treasurer shall be available to the listed funds. The movement of these funds into and out of investments shall be by fund transfers as directed by the Chief Executive Officer of the Workers' Compensation Commission."

Acts 2011, No. 917, § 7, provided: "SPE-

CIAL LANGUAGE. INVESTMENTS. All such funds as are held at any time in the Death and Permanent Total Disability Trust Fund, Second Injury Trust Fund, and the Workers' Compensation Fund shall be invested and reinvested to the extent feasible, all such investments as authorized for use by the Office of the Treasurer shall be available to the listed funds. The movement of these funds into and out of investments shall be by fund transfers as directed by the Chief Executive Officer of the Workers' Compensation Commission."

**19-5-930. Hazardous Substance Remedial Action Trust Fund.**

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Hazardous Substance Remedial Action Trust Fund".

(b) This fund shall consist of all moneys appropriated by the General Assembly to the Hazardous Substance Remedial Action Trust Fund, gifts, donations, interest earnings, fees on the generation of hazardous waste, punitive damages, penalties, and any other moneys legally designated, with the exception of those moneys deposited into the Environmental Education Fund as set out in § 8-7-509(d), all moneys received as penalties under §§ 8-4-101 — 8-4-106, 8-4-201 — 8-4-229, 8-4-301 — 8-4-313, 8-6-201 — 8-6-214, 8-7-201 — 8-7-226, 8-7-504, and 20-27-1001 — 20-27-1007, and all punitive damages collected under § 8-7-517, there to be administered by the Director of the Arkansas Department of Environmental Quality as provided in § 8-7-509.

**History.** Acts 1973, No. 750, § 8; 1985, No. 888, § 12; A.S.A. 1947, § 13-531; Acts 1987, No. 928, § 4; 1993, No. 1073, § 6; 1999, No. 1164, § 159; 2007, No. 1032,

§ 15; 2007, No. 1201, § 15; 2011, No. 1011, § 4.

**Amendments.** The 2011 amendment

deleted “8-4-401 — 8-4-409” following “8-4-313” in (b).

### 19-5-941. [Repealed.]

**Publisher's Notes.** This section, concerning the establishment of the Arkansas Science and Technology Authority Endowment Fund, was repealed by Acts 2010,

No. 262, § 7, and Acts 2010, No. 296, § 7, effective July 1, 2010. The section was derived from Acts 1987, No. 928, § 5.

### 19-5-945. Court Awards Fund.

**A.C.R.C. Notes.** Acts 2011, No. 1104, § 14, provided: “COURT AWARDS FUND TRANSFER PROVISION. Monies deposited in the Court Awards Fund each fiscal year may be used for motor vehicle purchases and associated taxes and/or motor vehicle equipping and renovation costs, agency operational needs and capital improvements for the Department of Arkansas State Police. Provided however, funds received from the Special State Assets Forfeiture Fund shall be deposited into the Court Awards Fund to be used by the Department of Arkansas State Police for law enforcement purposes consistent with governing federal law. The Department of Arkansas State Police may also request a fund transfer from the Court Awards Fund or the Department of Arkansas State Police Fund to the Motor Vehicle Acquisition Revolving Fund. The provisions of this section shall be subject to prior review and approval of the Arkansas Legislative Council or Joint Budget Committee.

“Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is

the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Arkansas State Police may operate more efficiently if some flexibility is provided to the Department of Arkansas State Police authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

“The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012.”

### 19-5-950. Crime Victims Reparations Revolving Fund.

**A.C.R.C. Notes.** Acts 2011, No. 1103, § 61, provided: “YEARLY FUND TRANSFERS. On July 1, 2010 and each July 1, thereafter, if the fund balance of the Crime Victims Reparations Revolving Fund falls below one million dollars (\$1,000,000), the Chief Fiscal Officer of the State may transfer on his or her books and those of the State Treasurer and the Auditor of the State a sum not to exceed one million dollars (\$1,000,000) or so much thereof as is available from fund

balances that exceed seven million dollars (\$7,000,000) as determined by the Chief Fiscal Officer of the State, from the State Administration of Justice Fund to the Crime Victims Reparations Revolving Fund to provide funds for personal services, operating expenses and claims for the Office of the Attorney General — Crime Victims Reparations Program.

“The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012.”

**19-5-953. Long-Term Care Trust Fund.**

(a) There is hereby established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Long-Term Care Trust Fund".

(b) This fund shall consist of all moneys and interest received from the imposition of civil penalties levied by the state on long-term care facilities found to be out of compliance with the requirements of federal or state law or regulations, there to be administered by the Director of the Department of Human Services solely for the protection of the health or property of residents of long-term care facilities, including, but not limited to, the payment for the costs of relocation of residents to other facilities, maintenance and operation of a facility pending correction of deficiencies or closure, and reimbursement of residents for personal funds lost.

(c) Funds from the Long-term Care Trust Fund may also be administered by the Director of the Department of Human Services for programs or uses that, in the determination of the Director of the Office of Long-Term Care, enhance the quality of life for long-term care facility residents through the adoption of principles and building designs established by the Eden Alternative or Green House programs or other means.

**History.** Acts 1989, No. 629, § 11; **Amendments.** The 2009 amendment 2009, No. 251, § 13.

**19-5-957. Identification Pending Trust Fund for Local Sales and Use Taxes. [Effective October 1, 2011.]**

(a) There is hereby established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Identification Pending Trust Fund for Local Sales and Use Taxes".

(b) The fund shall consist of money reported as local sales and use taxes collected in local taxing jurisdictions that are not immediately identifiable and money collected in local jurisdictions that have no tax, and the money in the fund is to be used for transfers to the Local Sales and Use Tax Trust Fund when a local tax jurisdiction is identified for money and for transfers to general revenues when the total amount in this fund exceeds fifty thousand dollars (\$50,000) as stated in §§ 26-74-221, 26-74-317, and 26-82-113, and shall also consist of vending devices sales taxes, § 26-57-1002(d)(2), and that portion of vending devices decal fees and penalties, §§ 26-57-1206 and 26-57-1208(b)(2), there to be distributed to cities and counties under §§ 26-74-221(a)(2)(C)(ii), 26-75-223(a)(2)(C)(ii), and 26-82-113(a)(2)(A)(ii).

**History.** Acts 1991, No. 1135, § 10; effective until October 1, 2011, see the 1999, No. 1463, § 14; 2011, No. 828, § 7. bound volume.

**Publisher's Notes.** For text of section

**Amendments.** The 2011 amendment,

in (b), inserted "and 26-82-113" and added "and 26-82-113(a)(2)(A)(ii)" at the end.

**Effective Dates.** Acts 2011, No. 828, § 11: Oct. 1, 2011. Effective date clause

provided: "Sections 1 through 10 of this act are effective on the first day of the calendar quarter following the effective date of this act [July 27, 2011].

### **19-5-961. Solid Waste Management and Recycling Fund.**

(a) There is hereby established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Solid Waste Management and Recycling Fund".

(b) Such fund shall consist of those special revenues specified in §§ 19-6-301(154) and 19-6-301(239), reimbursement of funds pursuant to § 8-6-610, federal funds which may become available, interest earnings, gifts, donations, and any other funds made available by the General Assembly, there to be administered by the Arkansas Department of Environmental Quality as set out in the Solid Waste Management and Recycling Fund Act, § 8-6-601 et seq.

**History.** Acts 1991, No. 1135, § 10; 1999, No. 1164, § 161; 2009, No. 1440, § 2; 2009, No. 1441, § 2.

**Amendments.** The 2009 amendment by identical acts Nos. 1440 and 1441 inserted "and (239)" in (b).

### **19-5-977. [Repealed.]**

**Publisher's Notes.** This section, concerning the Home Delivered Meal Fund for the Elderly, was repealed by Acts 2009,

No. 251, § 14. The section was derived from Acts 1991, No. 172, § 3.

### **19-5-998. Abandoned Agricultural Pesticide and Plant Regulator Disposal Trust Fund.**

#### **(a) FUND CREATED.**

(1) There is hereby created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State the "Abandoned Agricultural Pesticide and Plant Regulator Disposal Trust Fund" to consist of funds transferred therein from the Remedial Action Trust Fund and such other funds as are made available by law.

(2) The fund shall be used by the State Plant Board to defray the costs of developing and implementing a plan for the disposal of abandoned agricultural pesticides and plant regulators.

(b) **INTENT OF FUND.** The General Assembly intends to provide a method for disposal of agricultural pesticides which have been abandoned due to a change of ownership of the real property or a change in agricultural practices in a region of the state.

#### **(c) DEFINITIONS.** As used in this section:

(1) "Abandoned" means chemicals which are no longer used and for which there is no planned use;

(2) "Agricultural pesticide" means any substance or mixture of substances:

(A)(i) Intended for preventing, destroying, repelling or mitigating any pests; or  
 (ii) Intended for use as a plant regulator, defoliant, or desiccant; and  
 (B) Intended to be used as a spray adjuvant; and  
 (3)(A) "Plant regulator" means any substance or mixture of substances intended through physiological action for accelerating or retarding the rate of growth or rate of maturation or for otherwise altering the behavior of plants or the produce thereof.  
 (B) The term shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.

**History.** Acts 1999, No. 420, §§ 3-5; 2010, No. 262, § 8; 2010, No. 296, § 8.

**Amendments.** The 2010 amendment by identical acts Nos. 262 and 296 substi-

tuted "State Plant Board" for "Arkansas Department of Environmental Quality" in (a)(2).

## SUBCHAPTER 10 — MISCELLANEOUS FUNDS

### SECTION.

19-5-1002. Motor Vehicle Acquisition Revolving Fund.  
 19-5-1009. Miscellaneous Revolving Fund.  
 19-5-1013. Merit Adjustment Fund.  
 19-5-1018. Higher Education Building Maintenance Fund.  
 19-5-1020. Department of Human Services Renovation Fund.  
 19-5-1024. Tax Division Fund — Public Service Commission.  
 19-5-1029. Surface Coal Mining Operation Fund.

### SECTION.

19-5-1030. Lead-Based Paint-Hazard Fund.  
 19-5-1043. Drug Abuse Prevention and Treatment Fund.  
 19-5-1048. [Repealed.]  
 19-5-1072. [Repealed.]  
 19-5-1085. Judicial Fine Collection Enhancement Fund.  
 19-5-1088. Bail Bondsman Board Fund.  
 19-5-1095. Military Support Revolving Fund.

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**Effective Dates.** Acts 2009, No. 1330, § 35: July 1, 2009. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2009 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2009 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being neces-

sary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2009."

Acts 2010, No. 42, § 24: July 1, 2010. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2010 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2010 could work irreparable harm upon the proper admin-

istration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2010."

Acts 2010, No. 262, § 17: July 1, 2010. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state's fiscal laws must take effect at the beginning of the fiscal year, that the effectiveness of this act on July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval, is essential to the operation of the agencies for which allocations in this act are provided, and the delay in the effective date of this act beyond July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval, could work irreparable harm upon the proper administration and provision of essential government programs. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval."

Acts 2010, No. 296, § 17: July 1, 2010. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state's fiscal laws must take effect at the beginning of the fiscal year, that the effectiveness of this act on July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval, is essential to the operation of the agencies for which allocations in this act are provided, and the delay in the effective date of this act beyond July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval, could work ir-

reparable harm upon the proper administration and provision of essential government programs. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval."

Acts 2011, No. 1011, § 8: July 1, 2011. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that lead and lead-based paint have been determined to be a human health concern posing an immediate danger to children, families, and the environment; and that this act is immediately necessary to prevent irreparable harm to children in this state. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2011."

Acts 2011, No. 1095, § 18: July 1, 2011. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state's fiscal laws must take effect at the beginning of the fiscal year, that if the current legislative session is extended such that the 90 day period is later than July 1, 2011 the changes will not be timely. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2011."

Acts 2011, No. 1115, § 18: July 1, 2011. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state's fiscal laws must take effect at the beginning of the fiscal year, that if the current legislative session is extended such that the 90 day period is later than July 1, 2011 the changes will not be timely. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2011."

**19-5-1002. Motor Vehicle Acquisition Revolving Fund.**

**A.C.R.C. Notes.** Acts 2011, No. 1104, § 16, provided: "MOTOR VEHICLE ACQUISITION REVOLVING FUND MOTOR VEHICLE PURCHASES/RENOVATION. At least fifty percent (50%) of the general revenues and/or general improvement funds deposited into the Motor Ve-

hicle Acquisition Revolving Fund shall be used for motor vehicle purchases and/or motor vehicle renovation costs for the Department of Arkansas State Police.

"The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012."

**19-5-1009. Miscellaneous Revolving Fund.**

(a) There is created and established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Miscellaneous Revolving Fund".

(b) This fund shall consist of such general revenues as may be provided by the Revenue Stabilization Law, § 19-5-101 et seq., and moneys transferred from the Budget Stabilization Trust Fund in such amounts as may be required to provide funding for authorized expenditures as appropriated by the General Assembly for:

(1) The Governor's Emergency Fund;

(2) Noncontroversial claims;

(3) Small controversial claims;

(4) Claims awarded to widows or dependent children of deceased police officers, firefighters, and Arkansas State Highway and Transportation Department employees killed in performing their official duties;

(5) Workers' compensation claims for municipal and county employees;

(6) Claims for payment of college scholarships to surviving children of law enforcement officers and firefighters killed in the official line of duty;

(7) Miscellaneous tax refunds; and

(8) Livestock and poultry indemnities, not to exceed those amounts appropriated by the General Assembly for the then-current biennial period.

(c) Excepting disbursement for livestock and poultry indemnities, claims awarded to widows or dependent children of deceased police officers, firefighters, and highway employees, college scholarships to surviving children of law enforcement officers and firefighters killed in the official line of duty, and workers' compensation claims for municipal and county employees, the various funds shall reimburse the Miscellaneous Revolving Fund for expenditures made for which the Miscellaneous Revolving Fund is the beneficiary upon request by the Chief Fiscal Officer of the State. This reimbursement shall be done after determining that it will not jeopardize the then-current fiscal year's operation of the affected state agency or State Treasury fund from which the agency is being supported. The reimbursements shall be made to reimburse the Budget Stabilization Trust Fund.

**History.** Acts 1973, No. 750, § 7; 1977, No. 825, § 1; 1979, No. 1013, § 4; 1980 (1st Ex. Sess.), No. 39, § 2; A.S.A. 1947, § 13-523; Acts 1993, No. 656, § 2; 2001, No. 1674, § 44; 2009, No. 1330, § 31.

**A.C.R.C. Notes.** Acts 2011, No. 1098, § 18, provided: "REIMBURSEMENT. The Miscellaneous Revolving Fund shall be

reimbursed in the manner provided by law."

"The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012."

**Amendments.** The 2009 amendment deleted (b)(9).

### 19-5-1013. Merit Adjustment Fund.

**A.C.R.C. Notes.** Acts 2011, No. 1095, § 12, provided: "FUND TRANSFER. Immediately upon the effective date of this act, or as soon thereafter as is practicable, the Chief Fiscal Officer of the State shall transfer on his or her books and those of the State Treasurer and Auditor of State the sum of twelve million dollars (\$12,000,000) from the cash funds of the State Land Department to the Merit Adjustment Fund."

Acts 2011, No. 1095, § 13, provided: "FUND TRANSFER. Immediately upon the effective date of this act, the Chief Fiscal Officer of the State shall transfer on his or her books and those of the State Treasurer and Auditor of State the sum of one million dollars (\$1,000,000) from the Red River Waterways Project Trust Fund to the Merit Adjustment Fund."

Acts 2011, No. 1095, § 14, provided: "DEPARTMENT OF WORKFORCE SERVICES LOAN AND FUND TRANSFER. Immediately upon the effective date of this act, the Chief Fiscal Officer of the State shall record as a loan and transfer on his or her books and those of the State Treasurer and Auditor of State the sum of one million dollars (\$1,000,000) from the Workforce Services Special Fund to the Merit Adjustment Fund."

Acts 2011, No. 1115, § 12, provided: "FUND TRANSFER. Immediately upon the effective date of this act, or as soon thereafter as is practicable, the Chief Fiscal Officer of the State shall transfer on his or her books and those of the State Treasurer and Auditor of State the sum of twelve million dollars (\$12,000,000) from the cash funds of the State Land Department to the Merit Adjustment Fund."

Acts 2011, No. 1115, § 13, provided: "FUND TRANSFER. Immediately upon the effective date of this act, the Chief Fiscal Officer of the State shall transfer on his or her books and those of the State Treasurer and Auditor of State the sum of one million dollars (\$1,000,000) from the Red River Waterways Project Trust Fund to the Merit Adjustment Fund."

Acts 2011, No. 1115, § 14, provided: "DEPARTMENT OF WORKFORCE SERVICES LOAN AND FUND TRANSFER. Immediately upon the effective date of this act, the Chief Fiscal Officer of the State shall record as a loan and transfer on his or her books and those of the State Treasurer and Auditor of State the sum of one million dollars (\$1,000,000) from the Workforce Services Special Fund to the Merit Adjustment Fund."

### 19-5-1018. Higher Education Building Maintenance Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Higher Education Building Maintenance Fund".

(b) This fund shall consist of those moneys received by the state under the provisions of § 19-7-802(a)(1) [repealed] and of § 19-7-801(b)(1) after having been transferred from the General Revenue Fund Account of the State Apportionment Fund as specified in subsection (c) of this section.

(c) At the close of each quarter of each state fiscal year, the Chief Fiscal Officer of the State shall cause to be transferred on the books and those of the Treasurer of State from the General Revenue Fund Account

of the State Apportionment Fund to the Higher Education Building Maintenance Fund an amount equal to those funds received under the provisions of § 19-7-802(a)(1) [repealed] and of § 19-7-801(b)(1) during the quarter just closed.

(d) Those funds accruing to the Higher Education Building Maintenance Fund under the provisions of this section shall be disbursed by the Director of the Department of Higher Education in accordance with the recommendations of the Arkansas Higher Education Coordinating Board, but only after the board shall determine the projects and priorities for which the funds shall be used, and after the board shall have sought the advice of the Legislative Council with respect to them.

**History.** Acts 1985, No. 603, §§ 1-3; A.S.A. 1947, §§ 13-558 — 13-560; Acts 2009, No. 251, § 15.

**Amendments.** The 2009 amendment

inserted “the Auditor of State, and the Chief Fiscal Officer of the State” in (a), and made minor stylistic and punctuation changes.

## 19-5-1020. Department of Human Services Renovation Fund.

**A.C.R.C. Notes.** Acts 2011, No. 954, § 16, provided: “HUMAN SERVICES RENOVATION FUND.

Department of Human Services Renovation Fund.

“(a) There is established on the books of the Treasurer of State, Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the Department of Human Services Renovation Fund.

“(b) This fund shall be used for constructing, acquiring, renovating, maintaining, repairing, and equipping facilities of the Department of Human Services and for paying disallowances by the federal government.

“(c) The fund shall consist of:

“(1) Federal reimbursement received by the Department of Human Services and deposited in the various fund accounts of the department; and

“(2) General revenues transferred from the Division of Youth Services, the Division of Behavioral Health, and the Division of Developmental Disabilities Services for the purposes of repairing, renovating, equipping, acquiring and constructing Department of Human Services facilities with an annual maximum of five million dollars (\$5,000,000). The projects for which these transfers are authorized must be projects which were unanticipated during the preceding regular session of the Arkansas General Assembly and must be projects which, if not carried out in the interim period between regular

sessions of the Arkansas General Assembly would cause greater harm to the facilities, clients or programs of the Department of Human Services than to wait until the next regular session.

“(3) Other non-general revenue funds as may be available within the Department of Human Services that can be used for the purposes of this fund.

“(d)(1) At the request of the Director of the Department of Human Services, and upon certification of the availability of such funds, the Chief Fiscal Officer of the State shall initiate the necessary transfer documents to reflect the transfer on the books of record of the Treasurer of State, the Auditor of State, the Chief Fiscal Officer of the State, and the Department of Human Services.

“(2) The Director of the Department of Human Services shall submit any transfer plan to and must receive approval of the plan from the Chief Fiscal Officer of the State, the Governor and the Arkansas Legislative Council prior to the effective date of the transfer.

“(e) Provided, that any non-general revenue funding that may remain in the fund at the end of any fiscal year shall be carried over into the next fiscal year and all obligated general revenue funding that may remain in the fund at the end of any fiscal year shall be carried over into the next fiscal year to satisfy such legal and contractual obligations that have been entered into prior to the end of the fiscal year.

"(f) Determining the amount of funds appropriated to a state agency is the prerogative of the General Assembly and is usually accomplished by delineating specific line items and by identifying the appropriation and funding attached to that line item. The General Assembly has determined that the Department of Human Services could be operated more efficiently if some flexibility is given to that agency. That flexibility is being accomplished by providing transfer authority in subsection (d) of this section, and since the General Assembly has granted the agency broad powers under the transfer authority

concept, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the transfer authority by requiring prior approval of the Legislative Council in the utilization of this transfer authority. Therefore, the requirement of approval by the Legislative Council is not a severable part of this section. If the requirement of approval by the Legislative Council is ruled unconstitutional by a court jurisdiction, this entire section is void.

"The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012."

#### **19-5-1024. Tax Division Fund — Public Service Commission.**

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the "Public Service Commission Tax Division Fund".

(b) This fund shall be used for the maintenance, operations, and improvement of the Tax Division of the Arkansas Public Service Commission in carrying out its functions, powers, and duties as set out by law and by rule and regulation not inconsistent with law.

(c) The fund shall consist of:

(1) The proportion due the Tax Division of the Arkansas Public Service Commission of those ad valorem taxes levied on rolling stock as set out in §§ 26-26-1614 — 26-26-1616, as prescribed in § 19-5-906;

(2) Moneys transferred from the Public Service Commission Fund in such amount as provided by this section in order to support those activities of the Tax Division of the Arkansas Public Service Commission that relate to the assessment and levying of taxes on utility property; and

(3) Moneys transferred from the Miscellaneous Agencies Fund Account in an amount that shall not exceed the difference between the total appropriation provided by the General Assembly for the Tax Division of the Arkansas Public Service Commission and the aggregate total of:

(A) The prior year remaining balance in the Public Service Commission Tax Division Fund; and

(B) The transfer provided from the Public Service Commission Fund.

(d) On July 1 of each fiscal year, the amount of the transfer from the Public Service Commission Fund to the Public Service Commission Tax Division Fund shall be in an amount which is equal to sixty-five percent (65%) of the difference between the total appropriation provided by the General Assembly for personal services and operating expenses of the Tax Division of the Arkansas Public Service Commission for the current fiscal year and the balance remaining in the Public Service Commission Tax Division Fund on the immediately preceding June 30.

**History.** Acts 1985, No. 352, §§ 1, 2; A.S.A. 1947, §§ 13-531.1, 13-531.2; Acts 2009, No. 251, § 16.

**Amendments.** The 2009 amendment

inserted "the Auditor of State, and the Chief Fiscal Officer of the State" in (a), and made minor stylistic and punctuation changes.

### 19-5-1029. Surface Coal Mining Operation Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Surface Coal Mining Operation Fund".

(b) This fund shall consist of application and permit fees for surface coal mining, there to be used by the Arkansas Department of Environmental Quality only for the administration and enforcement of the Arkansas Surface Coal Mining and Reclamation Act of 1979, § 15-58-101 et seq., and as the state's matching percentage share for any grants available to the state for the administration and enforcement of the state program as defined in § 15-58-104.

**History.** Acts 1987, No. 928, § 3; 1999, No. 1164, § 167; 2009, No. 251, § 17.

**Amendments.** The 2009 amendment, in (b), inserted "the Arkansas Surface

Coal Mining and Reclamation Act of 1979" and "as defined in § 15-58-104," and made a related change.

### 19-5-1030. Lead-Based Paint-Hazard Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Lead-Based Paint-Hazard Fund".

(b) This fund shall consist of all moneys remaining in the Lead-Based Paint-Hazard Fund as of July 1, 2011, all moneys recovered under the Arkansas Lead-Based Paint-Hazard Act of 2011, § 20-27-2501 et seq., and any other moneys received by the state as a gift or donation to the fund to be used for the lead-based program as administered by the Department of Health as set out in the Arkansas Lead-Based Paint-Hazard Act of 2011, § 20-27-2501 et seq.

**History.** Acts 1999, No. 1463, § 21; 2011, No. 1011, § 5.

**A.C.R.C. Notes.** Acts 2011, No. 1011, § 1, provided: "TRANSFER OF FUND."

"(a) The Lead-Based Paint-Hazard Fund established by Act 309 of 1997, concerning its powers, duties, functions, assets, records, properties, funds, and appropriations are transferred by a Type 2 transfer as provided in § 25-2-105 from the Arkansas Department of Environmental Quality to the Department of Health.

"(b) For the purposes of this act, the Department of Health shall be considered a principal department established by Act 38 of 1971."

The 2011 amendment by Act 1011 added language to subsection (b) without underlining the language to indicate that it was new.

**Amendments.** The 2011 amendment rewrote (b).

**19-5-1043. Drug Abuse Prevention and Treatment Fund.**

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Drug Abuse Prevention and Treatment Fund".

(b) The Drug Abuse Prevention and Treatment Fund shall consist of:

- (1) Those moneys transferred or deposited from the State Administration of Justice Fund;
- (2) Such general revenue as transferred from the Behavioral Health Services Fund Account;
- (3) Federal reimbursement received on account of eligible expenditures; and
- (4) Other funds as may be provided by law.

**History.** Acts 1991, No. 1135, § 19; 1997, No. 1248, § 21; 2005, No. 2115, § 32; 2011, No. 1095, § 7; 2011, No. 1115, § 7.

**Amendments.** The 2011 amendment

by identical acts Nos. 1095 and 1115 substituted "Behavioral Health Services Fund Account" for "Mental Health Services Fund Account" in (b)(2).

**19-5-1048. [Repealed.]**

**Publisher's Notes.** This section, concerning the Quality Management State Agency Training Fund, was repealed by

Acts 2009, No. 251, § 18. The section was derived from Acts 1991, No. 1166, § 6.

**19-5-1072. [Repealed.]**

**Publisher's Notes.** This section, concerning the Telecommunications and Information Technology Fund, was repealed

by Acts 2009, No. 251, § 19. The section was derived from Acts 1995, No. 737, § 10.

**19-5-1085. Judicial Fine Collection Enhancement Fund.**

(a) There is hereby established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Judicial Fine Collection Enhancement Fund".

(b) This fund shall consist of the time-payment fees established by § 16-13-704, electronic payment access fees established by § 16-92-118, court technology fees established by § 21-6-416, federal court certified question fees and fees for Court of Appeals or Supreme Court decision petitions for rehearing established by § 21-6-401(a)(2) and (3), respectively, and fees for electronic filing and public online access to court decisions and other court records established by § 21-6-401(d), there to be used by the Administrative Office of the Courts for the purchase of computer hardware and software as set out in § 16-13-712.

**History.** Acts 1997, No. 1248, § 26; 2010, No. 262, § 9; 2010, No. 296, 2007, No. 1032, § 26; 2007, No. 1201, § 9.

**Amendments.** The 2010 amendment by identical acts Nos. 262 and 296, in (b), inserted “electronic payment access

fees...§ 21-6-401(a)(2) and (3), respectively” and “filing and public online.”

### 19-5-1088. Bail Bondsman Board Fund.

**A.C.R.C. Notes.** Acts 2010, No. 76, § 4, provided: “FUND TRANSFER. The Professional Bail Bondsman Licensing Board, at the end of each fiscal year, shall transfer all but twenty-five percent (25%) of its

fund balance to the General Revenue Fund Account in the State Treasury.

“The provisions of this section shall be in effect only from July 1, 2010 through June 30, 2011.”

### 19-5-1095. Military Support Revolving Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the “Military Support Revolving Fund”.

(b)(1) The Military Support Revolving Fund shall consist of:

(A) All funds provided by law for the Military Support Revolving Fund; and

(B) All moneys received by the State Military Department from the United States Army, the United States Air Force, the United States Navy, foreign allied governments, and reserve forces of the United States, allied nations, and other federal agencies.

(2) All reimbursements and payments to the Military Support Revolving Fund from any source shall be considered a refund to expenditures.

(c) The Military Support Revolving Fund shall be used by the department to pay reimbursements for periodic, short-term personnel augmentation for National Guard members on state active duty for costs incurred in training activities, which shall include without limitation, goods, supplies, rations, fuel, operating expenses, and related costs and expenses.

(d) As federal reimbursements replenish the Military Support Revolving Fund, the department is authorized to return funds, as necessary, to the Special Military Fund.

**History.** Acts 1999, No. 959, § 3; 2009, No. 251, § 20; 2010, No. 42, § 19.

**Amendments.** The 2009 amendment rewrote the section.

The 2010 amendment substituted “Military Support Revolving Fund” for “fund”

in the introductory language of (b)(1), in (b)(1)(A), (b)(2) and (c); substituted “the Military Support Revolving Fund” for “this fund” in (c); and added (d).

## SUBCHAPTER 11 — TRUST FUNDS CONTINUED

### SECTION.

19-5-1103. Property Tax Relief Trust Fund.  
19-5-1112. Establishment of Geographic Information Systems Fund.

### SECTION.

19-5-1124. [Repealed.]  
19-5-1125. Arkansas Capitol Grounds Monument and Memorial Preservation Fund.  
19-5-1136. Animal Rescue and Shelter

## SECTION.

Trust Fund.

19-5-1137. Arkansas Department of Environmental Quality Fee Trust Fund.

## SECTION.

19-5-1138. Lottery Commission Trust Fund.

19-5-1139. Best Practices Fund.

**Effective Dates.** Acts 2009, No. 1300, § 6: Apr. 9, 2009. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on the date of its passage and approval is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond the date of its passage and approval could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after the date of its passage and approval. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 2009, Nos. 1440 and 1441, § 11: July 1, 2009. Emergency clause provided:

"It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state's fiscal laws must take effect at the beginning of the fiscal year, that if the current legislative session is extended such that the 90 day period is later than July 1, 2009 the changes will not be timely. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2009."

Acts 2011, No. 860, § 3: May 1, 2011. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Capitol Grounds Monument and Memorial Preservation Fund is unfunded; that the monuments and memorial areas on the State Capitol grounds often need maintenance and repair; that clarification is necessary so that the Secretary of State can perform his duties; and that this act is necessary to provide the necessary funding for the Arkansas Capitol Grounds Monument and Memorial Preservation Fund. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on May 1, 2011."

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### 19-5-1103. Property Tax Relief Trust Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a special revenue fund to be known as the "Property Tax Relief Trust Fund".

(b) The fund shall consist of such revenues as generated by §§ 26-52-302(c), 26-52-317(c)(1)(B), 26-52-319(a)(3)(B), 26-53-107(c), 26-53-145(c)(1)(B), 26-53-148(a)(3)(B), and 26-56-224(c)(2), and shall be used for such purposes as set out in § 26-26-310.

**History.** Acts 2001, No. 1646, § 10; by identical act Nos. 1440 and 1441 in 2007, No. 110, § 7; 2009, No. 1440, § 3; inserted “26-52-319(a)(3)(B)” and “26-53-2009, No. 1441, § 3.

**Amendments.** The 2009 amendment and made related changes.

## 19-5-1112. Establishment of Geographic Information Systems Fund.

(a)(1) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the “Geographic Information Systems Fund”.

(2) The fund shall consist of:

- (A) Funds approved by the General Assembly;
- (B) Grants, gifts, and donations received by the State of Arkansas for the purposes of this section;
- (C) Agency investments toward enterprise geographic information systems projects;
- (D) Federal funds; and
- (E) Any other funds allowable by law.

(3) This fund shall be used to:

(A) Carry out the duties, responsibilities, and authority of the Arkansas Geographic Information Systems Board as described by § 15-21-504;

(B) Create, operate, and maintain GeoStor, the Arkansas Spatial Data Infrastructure; and

(C) Create, update, maintain, and disseminate framework spatial data as defined by § 15-21-502.

(b)(1)(A) The State Geographic Information Officer shall manage the fund, and the Governor shall oversee the expenditures from the fund.

(B) The board shall establish standards and methodologies for evaluating the funding of enterprise-level geographic information systems projects.

(2)(A) The State Geographic Information Officer, with advice from the board, shall evaluate, prioritize, and approve proposals for geographic information systems projects.

(B) The proposals and requests for funding shall demonstrate any or all of the following:

- (i) Improvement in the quality of life for Arkansans;
- (ii) Elimination of redundant systems;
- (iii) Improved service for Arkansas citizens;
- (iv) Enhanced economic development opportunities in Arkansas;
- (v) Implementation of electronic government twenty-four (24) hours a day, seven (7) days a week;
- (vi) Substantial benefit to more than one (1) agency through lower operating costs; and
- (vii) Continued development of the Arkansas Spatial Data Infrastructure.

**History.** Acts 2001, No. 1249 §§ 1, 2; 2007, No. 751, § 8; 2009, No. 244, § 2. **Amendments.** The 2009 amendment substituted “Geographic Information Sys-

tems" for "State Land Information" in (a)(3)(A); in (b), substituted "State Geographic Information Officer" for "Director of the Department of Information Sys-

tems" in (b)(1)(A) and substituted "State Geographic Information Officer" for "director" in (b)(2)(A); and made minor stylistic and punctuation changes.

### **19-5-1124. [Repealed.]**

**Publisher's Notes.** This section, concerning the Arkansas Delta Region Trust Fund, was repealed by Acts 2009, No.

1484, § 5. The section was derived from Acts 2003, No. 1473, § 35.

### **19-5-1125. Arkansas Capitol Grounds Monument and Memorial Preservation Fund.**

(a) As used in this section:

(1) "Memorial area" means the designated area of the State Capitol grounds for use in remembrance and honoring a person or group of persons; and

(2) "Monument" means a statue, display, or other artful fixture that is constructed to be attached to a memorial area.

(b)(1) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Arkansas Capitol Grounds Monument and Memorial Preservation Fund".

(2) The fund shall consist of funds made available from private donations received by the Capitol Arts and Grounds Commission, fees paid by sponsors of the monuments and memorial areas, and any additional moneys appropriated to the fund by the General Assembly.

(c)(1)(A) Except as provided under subdivision (c)(1)(B) of this section, following the enactment of an act authorizing the memorial area or monument and before construction, improvement, or placement begins, a group or organization that sponsors and pays the cost of the construction, improvement, placement, or replacement of a memorial area or monument on the State Capitol grounds shall pay to the Secretary of State a fee for placement, improvements to, or replacement of the monument or memorial area of:

- (i) Ten percent (10%) of the cost of the monument; and
- (ii) Ten percent (10%) of the construction cost of the memorial area.

(B) The Secretary of State may allow the beginning of construction of a memorial area on State Capitol grounds if:

(i) A dedicated funding source has been established for the purpose of payment of the fees under this subsection; and

(ii) The organization demonstrates that substantial funds have been raised to complete the project.

(2) The fee collected under subdivision (c)(1) of this section:

- (A) Shall be deposited into the fund; and

(B) May be used for the maintenance of any monument or memorial area on the State Capitol grounds.

(3) The amount of the fee may be reviewed by the commission as to how the fee under subsection (c) of this section was calculated by the Secretary of State.

(d)(1) All moneys deposited into the fund and any accrued interest shall remain in the fund to maintain, restore, and preserve all monuments and memorial areas on the State Capitol grounds.

(2) The Secretary of State shall administer the fund.

(3) The accrued interest from the fund shall be appropriated to the fund.

(e)(1) The commission may receive gifts, grants, and donations from private or public sources for the fund.

(2) In addition to any other moneys appropriated or transferred by the General Assembly, the gifts, grants, and donations shall be transmitted to the Treasurer of State, who shall credit the amount to the fund.

**History.** Acts 2003 (1st Ex. Sess.), No. 55, § 18; 2005, No. 1962, § 83; 2011, No. 860, § 1.      **Amendments.** The 2011 amendment rewrote the section.

## **19-5-1136. Animal Rescue and Shelter Trust Fund.**

(a) As used in this section, “registered governmentally owned animal rescue shelter” means an animal rescue or shelter owned by a county or municipality that has submitted notice to the Department of Finance and Administration as required under subsection (f) of this section and is on the official list of registered governmentally owned animal rescue shelters prepared by the Director of the Department of Finance and Administration under subsection (f) of this section.

(b) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the “Animal Rescue and Shelter Trust Fund”.

(c) The fund shall consist of those special revenues as specified in § 27-24-1409(c)(1)(B) and any other revenues as may be authorized by law.

(d) The fund shall be distributed as follows:

(1) Thirty-five percent (35%) is distributed to and used by the counties as follows:

(A) Each county that has at least one (1) registered governmentally owned animal rescue shelter shall receive a proportional distribution based on the county’s population as determined by the most recent federal decennial census;

(B) Funding received by a county under this subdivision (d)(1) shall be used exclusively for the construction, maintenance, or operation of registered governmentally owned animal rescue shelters; and

(C) A county may contract with or provide grants to a private nonprofit organization for the operation of the registered governmentally owned animal rescue shelter;

(2) Thirty-five percent (35%) is distributed to and used by municipalities as follows:

(A) Each municipality that has at least one (1) registered governmentally owned animal rescue shelter shall receive a proportional

distribution based on the municipality's population as determined by the most recent federal decennial census;

(B) Funding received by a municipality under this subdivision (d)(2) shall be used exclusively for the construction, maintenance, or operation of registered governmentally owned animal rescue shelters; and

(C) A municipality may contract with or provide grants to a private nonprofit organization for the operation of the registered governmentally owned animal rescue shelter; and

(3)(A) Thirty percent (30%) is distributed to the Department of Rural Services to provide grants to a county or municipality based only on the infrastructure needs for animal rescues or animal shelters.

(B) Moneys distributed under this section shall not be limited to registered governmentally owned animal rescue shelters but shall be used exclusively for infrastructure needs for animal rescues or animal shelters.

(e) Any funds received by a county or municipality under subsection (d) of this section that are not used within one (1) year from the date of receipt by the county or municipality must be returned to the fund.

(f)(1)(A) On or before October 1, 2009, a county or municipality that owns one (1) or more animal rescues or animal shelters on the date that notification is mailed shall notify the director in writing to qualify for funding under this section.

(B) The notification under subdivision (f)(1)(A) of this section shall include the physical address and telephone number of each animal rescue or animal shelter that the county or municipality owns.

(2)(A) On or before October 15, 2009, the director shall provide the Treasurer of State with a list of each county and municipality that has registered as owning an animal rescue shelter.

(B) The list submitted by the Department of Finance and Administration shall be known as the official list of registered governmentally owned animal rescue shelters that are eligible to receive funding under subdivisions (d)(1) and (2) of this section.

(C) The list submitted by the Department of Finance and Administration shall include the physical address, telephone number, and the municipality, if applicable, and county in which the registered governmentally owned animal rescue shelter is located.

(3)(A) A county or municipality that begins to own or operate an animal rescue or animal shelter after October 1, 2009, may notify the Department of Finance and Administration in the same manner as provided under subdivision (f)(1) of this section and shall begin to receive funds under subdivisions (d)(1) and (2) of this section on the first distribution by the Treasurer of State following sixty (60) days after written notice to the Department of Finance and Administration was received.

(B) As soon as practicable to ensure that a county or municipality that begins to own or operate a registered governmentally owned animal rescue shelter after October 1, 2009, the Department of

Finance and Administration shall revise the official list of registered governmentally owned animal rescue shelters to include the addition of the most recent registered governmentally owned animal rescue shelters and provide the list to the Treasurer of State.

**History.** Acts 2009, No. 692, § 1.

#### **19-5-1137. Arkansas Department of Environmental Quality Fee Trust Fund.**

The Arkansas Department of Environmental Quality Fee Trust Fund shall consist of those special revenues as specified in § 19-6-301(104), there to be used to defray the costs of operating the Arkansas Department of Environmental Quality as set out in §§ 8-1-101 — 8-1-107.

**History.** Acts 2009, No. 1440, § 4; 2009, No. 1441, § 4.

#### **19-5-1138. Lottery Commission Trust Fund.**

(a) There is hereby created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the "Lottery Commission Trust Fund".

(b) The Lottery Commission Trust Fund shall consist of funds transferred from the Budget Stabilization Trust Fund.

(c) The Lottery Commission Trust Fund shall also consist of other moneys as may be authorized by law.

(d) The Lottery Commission Trust Fund shall be used for personal services and operating expenses associated with the Arkansas Lottery Commission.

**History.** Acts 2009, No. 1300, § 2.

#### **19-5-1139. Best Practices Fund.**

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the "Best Practices Fund".

(b) The Best Practices Fund may consist of the proceeds from the payment of parole or probation supervision fees under § 16-93-104(a).

(c)(1) Expenditures from the Best Practices Fund shall be used to establish and maintain programs and services that implement practices that are proven to reduce the risk of having repeat offenders or recidivism, including programs that address treatment needs of offenders.

(2) Programs funded by the Best Practices Fund, whether provided by the Department of Correction, another state agency, or contracted with a private vendor, shall meet criteria promulgated in Department of Correction rules that establish evidence-based practices.

(3)(A) The funds deposited into the Best Practices Fund supplement and do not replace the state and local resources that are currently

directed toward offender rehabilitation programs through the Department of Community Correction, the Department of Human Services, or any other state agency.

(B) Any expenditure from the General Revenue Fund Account of the State Apportionment Fund or the Community Correction Revolving Fund shall not be reduced based on the availability of funds in the Best Practices Fund.

**History.** Acts 2011, No. 570, § 124.

**A.C.R.C. Notes.** Acts 2011, No. 570, § 1, provided: "Legislative intent. The intent of this act is to implement comprehensive measures designed to reduce recidivism, hold offenders accountable, and contain correction costs."

## SUBCHAPTER 12 — MISCELLANEOUS FUNDS CONTINUED

### SECTION.

19-5-1203. [Repealed.]

19-5-1206. Arkansas Building Authority Real Estate Fund.

19-5-1211. Department of Labor Special Fund.

19-5-1214. [Repealed.]

19-5-1222. [Repealed.]

19-5-1225. Judicial Filing Fee Fund.

19-5-1227. Educational Adequacy Fund.

19-5-1235. Creation of Science, Technology, Engineering, and Math Fund.

19-5-1236. Technology Acceleration Fund.

19-5-1237. Innovate Arkansas Fund.

19-5-1238. Sustainable Building Design Revolving Loan Fund.

19-5-1239. Newborn Umbilical Cord Blood Initiative Fund.

### SECTION.

19-5-1240. Minority Business Loan Mobilization Revolving Fund.

19-5-1241. Trial Court Administrative Assistant Fund.

19-5-1242. Fire Protection Licensing Fund.

19-5-1243. Arkansas Acceleration Fund.

19-5-1244. Health Information Technology Fund.

19-5-1245. Arkansas Great Places Program Fund.

19-5-1246. County Juror Reimbursement Fund.

19-5-1247. County Voting System Grant Fund. [Effective January 1, 2012.]

19-5-1248. Electrical Energy Advancement Program Fund.

**A.C.R.C. Notes.** Acts 2011, No. 922, § 6, provided: "POSITIONS.

"(a) Nothing in this act shall be construed as a commitment of the State of Arkansas or any of its agencies or institutions to continue funding any position paid from the proceeds of the Tobacco Settlement in the event that Tobacco Settlement funds are not sufficient to finance the position.

"(b) State funds will not be used to replace Tobacco Settlement funds when such funds expire, unless appropriated by the General Assembly and authorized by the Governor.

"(c) A disclosure of the language contained in (a) and (b) of this Section shall be made available to all new hire and

current positions paid from the proceeds of the Tobacco Settlement by the Minority Health Commission.

"(d) Whenever applicable the information contained in (a) and (b) of this Section shall be included in the employee handbook and/or Professional Services Contract paid from the proceeds of the Tobacco Settlement.

"The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012."

Acts 2011, No. 950, § 6, provided: "POSITIONS.

"(a) Nothing in this act shall be construed as a commitment of the State of Arkansas or any of its agencies or institutions to continue funding any position

paid from the proceeds of the Tobacco Settlement in the event that Tobacco Settlement funds are not sufficient to finance the position.

"(b) State funds will not be used to replace Tobacco Settlement funds when such funds expire, unless appropriated by the General Assembly and authorized by the Governor.

"(c) A disclosure of the language contained in (a) and (b) of this Section shall be made available to all new hire and current positions paid from the proceeds of the Tobacco Settlement by the Tobacco Settlement Commission.

"(d) Whenever applicable the information contained in (a) and (b) of this section shall be included in the employee handbook and/or Professional Services Contract paid from the proceeds of the Tobacco Settlement.

"The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012."

**Effective Dates.** Acts 2009, No. 9, § 11: Feb. 3, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the state has a severe shortage of nurses and nurse educators, that for financial and other reasons the state often has difficulty retaining state-educated nurses and nurse educators after graduation for the state's workforce, and that this act is immediately necessary to provide financial incentives to increase the number of nurses and nurse educators in the state for the protection of the public health, safety, and welfare. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

"(1) The date of its approval by the Governor;

"(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

"(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2009, No. 754, § 12: July 1, 2009. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period;

that the effectiveness of this Act on July 1, 2009 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2009 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2009."

Acts 2009, No. 777, § 6: July 1, 2009. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2009 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2009 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2009."

Acts 2009, No. 806, § 6: July 1, 2009. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2009 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2009 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2009."

Acts 2009, No. 1328, § 8: July 1, 2009. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2009 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2009 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2009."

Acts 2009, No. 1428, § 17: July 1, 2009. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2009 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2009 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2009."

Acts 2009, Nos. 1440 and 1441, § 11: July 1, 2009. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state's fiscal laws must take effect at the beginning of the fiscal year, that if the current legislative session is extended such that the 90 day period is later than July 1, 2009 the changes will not be timely. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2009."

Acts 2010, No. 262, § 17: July 1, 2010. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state's fiscal laws must take effect at the beginning of the fiscal year, that the effectiveness of this act on July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval, is essential to the operation of the agencies for which allocations in this act are provided, and the delay in the effective date of this act beyond July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval, could work irreparable harm upon the proper administration and provision of essential government programs. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval."

Acts 2010, No. 296, § 17: July 1, 2010. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that changes in the state's fiscal laws must take effect at the beginning of the fiscal year, that the effectiveness of this act on July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval, is essential to the operation of the agencies for which allocations in this act are provided, and the delay in the effective date of this act beyond July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval, could work irreparable harm upon the proper administration and provision of essential government programs. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2010, with the exception that Section 15 in this Act shall be in full force and effect from and after the date of its passage and approval."

Acts 2011, No. 923, § 38: July 1, 2011. Emergency clause provided: "It is found

and determined by the General Assembly of the State of Arkansas that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2011 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1,

2011 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2011."

Acts 2011, No. 1189, § 4: effective on and after Jan. 1, 2012.

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### 19-5-1203. [Repealed.]

**Publisher's Notes.** This section, concerning the establishment of the Motorcoach Carrier Incentive Program Fund, was repealed by Acts 2010, No. 262, § 10,

and Acts 2010, No. 296, § 10, effective July 1, 2010. The section was derived from Acts 1999, No. 1463, § 27.

### 19-5-1206. Arkansas Building Authority Real Estate Fund.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Arkansas Building Authority Real Estate Fund".

(b)(1) This fund shall consist of funds transferred to it from the General Improvement Fund or other funds, gifts, bequests, foundation grants and gifts, Governor's or other emergency funds, federal grants and matching funds, short-term loans and advances, proceeds from bond issues, leases, service charges or fees, interagency transfers of funds, partnerships and debentures, and other funds as may be appropriated by the General Assembly.

(2) The fund shall be used to acquire either by deed or by lease, to own or operate, to maintain, to repair, to renovate, to develop, or to construct real properties, including any necessary demolition and site improvements, for use by state agencies, as defined in § 22-2-102, for capital improvement needs under the jurisdiction of the Arkansas Building Authority.

**History.** Acts 1999, No. 1463, § 27; 2001, No. 307, § 1; 2009, No. 251, § 21.

**Amendments.** The 2009 amendment made stylistic changes.

### 19-5-1211. Department of Labor Special Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a special fund to be known as the "Department of Labor Special Fund".

(b) This fund shall consist of:

(1) Those special revenues set out in § 19-6-301(25), (36), (72), (112), (158), and (180); and

(2) The fee, penalty, and assessment income and all other income, the disposition of which is not otherwise provided by law, of the Department of Labor.

(c) The Department of Labor Special Fund shall be used for the maintenance, operation, and improvements required by the department in carrying out the special revenue programs enumerated in subsection (b) of this section, and to defray the costs of the maintenance, operation, and improvements required by the department or the Director of the Department of Labor in carrying out the functions, powers, and duties imposed by law on the department or the director.

(d) The director, with the approval of the Chief Fiscal Officer of the State, is authorized to transfer funds from the Department of Labor Special Fund to the Department of Labor Fund Account.

**History.** Acts 2001, No. 577, § 1.

**Publisher's Notes.** This section is be-

ing set out to reflect a correction to a reference in (c).

#### **19-5-1214. [Repealed.]**

**Publisher's Notes.** This section, concerning the Military Support Revolving Fund, was repealed by Acts 2009, No. 251,

§ 22. The section was derived from Acts 2001, No. 1646, § 17.

#### **19-5-1222. [Repealed.]**

**Publisher's Notes.** This section, concerning the Nursing Student Loan Revolving Fund, was repealed by Acts 2009, No.

9, § 10. The section was derived from Acts 2003 (1st Ex. Sess.), No. 55, § 22; 2005, No. 1962, § 84.

#### **19-5-1225. Judicial Filing Fee Fund.**

**Cross References.** Filing as a candidate — Judicial Filing Fee Fund., § 7-10-103.

#### **19-5-1227. Educational Adequacy Fund.**

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Educational Adequacy Fund".

(b) After the Treasurer of State has made deductions from the revenues under § 19-5-203(b)(2)(A), the Educational Adequacy Fund shall consist of:

(1) All net revenues collected due to enactments of the Eighty-Fourth General Assembly meeting in Second Extraordinary Session, unless a different distribution of those additional net revenues is otherwise provided in the act creating those additional net revenues;

(2) The revenues credited to the Educational Adequacy Fund under § 26-54-113(b)(2);

(3) The revenues generated by §§ 26-52-302(d), 26-52-316, 26-52-317(c)(1)(C), 26-52-319(a)(3)(C), 26-53-107(d), 26-53-145(c)(1)(C), 26-53-148(a)(3)(C), 26-56-224(c)(3), and 26-57-1002(d)(1)(A)(ii); and

(4) Other revenues as provided by law.

(c)(1) The Chief Fiscal Officer of the State will determine, from time to time, the amount of funds required from the Educational Adequacy Fund which, when added to other resources available to the Department of Education Public School Fund Account of the Public School Fund and the Department of Education Fund Account of the Education Fund, is needed to fulfill the financial obligation of the state to provide an adequate educational system as authorized by law and shall certify the amounts to the Treasurer of State.

(2) At the end of each month, the Treasurer of State shall transfer all moneys available from the Educational Adequacy Fund to the Department of Education Public School Fund Account of the Public School Fund and to the Department of Education Fund Account of the Education Fund until the sum of all transfers from the Educational Adequacy Fund equal the amounts determined in subdivision (c)(1) of this section, there to be used as determined by law.

(d) In the event the Chief Fiscal Officer of the State determines that the transfers from the Educational Adequacy Fund, when added to the other resources available to the Department of Education Public School Fund Account of the Public School Fund, are not sufficient to meet the state's financial obligation to provide an adequate educational system as authorized by law, the additional amount required shall be transferred from the other funds and fund accounts, except the Educational Facilities Partnership Fund Account, within §§ 19-5-402(a) and 19-5-404(a) [repealed] based upon the proportion that each of the remaining fund and fund accounts, excluding the Educational Facilities Partnership Fund Account, bears to the total of the remaining funds and fund accounts in §§ 19-5-402(a) and 19-5-404(a) [repealed].

**History.** Acts 2003 (2nd Ex. Sess.), No. 94, § 5; 2003 (2nd Ex. Sess.), No. 107, § 11; 2003 (2nd Ex. Sess.), No. 108, § 1; 2005, No. 2131, § 35; 2006 (1st Ex. Sess.), No. 20, § 10; 2007, No. 110, § 8; 2009, No. 1440, § 5; 2009, No. 1441, § 5.

**Amendments.** The 2009 amendment by identical Acts Nos. 1440 and 1441 inserted "26-52-319(a)(3)(C)" and "26-53-148(a)(3)(C), 26-56-224(c)(3)" in (b)(3), and made a related change.

## **19-5-1235. Creation of Science, Technology, Engineering, and Math Fund.**

**Publisher's Notes.** This Cross Reference note is being set out to correct an omitted reference.

**Cross References.** Science, Technology, Engineering, and Math Fund, § 6-17-2701 et seq.

**19-5-1236. Technology Acceleration Fund.**

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the "Technology Acceleration Fund".

(b)(1) The Technology Acceleration Fund shall consist of funds transferred to it from the General Improvement Fund or other funds, gifts, bequests, foundation grants and gifts, Governor's or other emergency funds, federal grants and matching funds, proceeds from bond issues, service charges or fees, interagency transfers of funds, and other funds as may be appropriated by the General Assembly.

(2) The Technology Acceleration Fund shall consist of money transferred from the General Revenue Allotment Reserve Fund and any other money provided by law.

(c) The Technology Acceleration Fund shall be used by the Arkansas Economic Development Commission, the Arkansas Science and Technology Authority, and the Arkansas Development Finance Authority for investment incentives to enhance the economy of the state through technology development.

(d) Money from the Technology Acceleration Fund may be used in conjunction with other incentives offered by the state to create, attract, or retain business.

(e)(1) Any proposed use of the Technology Acceleration Fund by the Arkansas Economic Development Commission, Arkansas Science and Technology Authority, or Arkansas Development Finance Authority shall first be approved by the Governor.

(2) The Arkansas Economic Development Commission, the Arkansas Science and Technology Authority, and the Arkansas Development Finance Authority shall make a joint recommendation to the Governor for any proposed use of the Technology Acceleration Fund.

**History.** Acts 2009, No. 806, § 1; 2009, No. 967, § 1.

**19-5-1237. Innovate Arkansas Fund.**

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Innovate Arkansas Fund".

(b) The fund shall consist of funds as may be provided for by law.

(c) The fund shall be used by the Arkansas Economic Development Commission for the sole support of a contract between the commission and the entity selected to provide support and assistance for development and growth of knowledge-based and technology-based companies in the State of Arkansas.

**History.** Acts 2009, No. 1440, § 6; 2009, No. 1441, § 6.

**19-5-1238. Sustainable Building Design Revolving Loan Fund.**

(a) There is hereby created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the "Sustainable Building Design Revolving Loan Fund".

(b)(1) The fund shall consist of funds transferred to it from the General Improvement Fund or other funds, gifts, bequests, foundation grants and gifts, Governor's Emergency Fund or other emergency funds, federal grants and matching funds, proceeds from bond issues, service charges or fees, interagency transfers of funds, and other funds as may be appropriated by the General Assembly.

(2) The fund shall consist of funds received from agencies, boards, or commissions to repay loans for the Sustainable Building Design Program, funds made available by the General Assembly from time to time, and such revenues as may be authorized by law.

(c) The fund shall be used to provide loans to agencies for the Sustainable Building Design Program as authorized by law and approved by the Chief Fiscal Officer of the State.

**History.** Acts 2009, No. 754, § 7.

**19-5-1239. Newborn Umbilical Cord Blood Initiative Fund.**

(a) There is hereby created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the "Newborn Umbilical Cord Blood Initiative Fund".

(b) The fund shall consist of those funds provided by the income tax check-off program pursuant to § 26-51-455, federal and private grants and donations, and any other funds authorized by law.

(c) The fund shall be used for the purposes set forth in the Newborn Umbilical Cord Blood Initiative Act, § 20-8-501 et seq.

**History.** Acts 2009, No. 777, § 2.

**19-5-1240. Minority Business Loan Mobilization Revolving Fund.**

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the "Minority Business Loan Mobilization Revolving Fund".

(b) The Minority Business Loan Mobilization Revolving Fund shall consist of the unexpended fund balances remaining in the Small Business Loan Fund Account of the 82nd Session General Improvement Fund as of the close of business on June 30, 2009, and such other funds as may be authorized by law.

(c) All reimbursements, repayments of loans, and interest earned and deposited into the Minority Business Loan Mobilization Revolving Fund from any source shall be treated as a refund to expenditure.

(d) The Minority Business Loan Mobilization Revolving Fund shall be used to promote the development of minority business enterprises in the state, increase the ability of minority business enterprises to compete for state contracts, and sustain the economic growth of minority business enterprises in the state.

**History.** Acts 2009, No. 1428, § 14.

#### **19-5-1241. Trial Court Administrative Assistant Fund.**

(a) There is hereby created on the books of the Treasurer of State, Auditor of State, and Chief Fiscal Officer of the State a miscellaneous revenue fund to be known as the "Trial Court Administrative Assistant Fund".

(b) The Trial Court Administrative Assistant Fund shall consist of those moneys transferred from the State Administration of Justice Fund and other moneys as authorized by law.

(c) The Trial Court Administrative Assistant Fund shall be used for paying personal services, trial court assistant expenses, and trial court staff substitutes.

**History.** Acts 2009, No. 1328, § 4.

#### **19-5-1242. Fire Protection Licensing Fund.**

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the "Fire Protection Licensing Fund".

(b) The fund shall consist of:

- (1) All funds provided by law for the fund; and
- (2) Examination and renewal fees charged pursuant to § 20-22-610.

(c) The fund shall be used for the maintenance, operation, and improvement as required by the Arkansas Fire Protection Licensing Board in carrying out the powers, functions, and duties as set out in § 20-22-601 et seq.

**History.** Acts 2010, No. 262, § 11;  
2010, No. 296, § 11.

#### **19-5-1243. Arkansas Acceleration Fund.**

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the "Arkansas Acceleration Fund".

(b) The fund shall consist of:

- (1) Funds provided by law; and
- (2) Grants made by any person or federal government agency.

(c) The fund shall be used by the Arkansas Science and Technology Authority to provide support and assistance for the accelerated growth of knowledge-based and high-technology jobs in the State of Arkansas through focused funding of the state initiatives and programs as defined under the Arkansas Acceleration Fund Act, § 15-3-501 et seq.

**History.** Acts 2011, No. 706, § 2.

#### **19-5-1244. Health Information Technology Fund.**

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the "Health Information Technology Fund".

(b)(1) All moneys collected under § 25-42-101 et seq. shall be deposited into the State Treasury to the credit of the Health Information Technology Fund as special revenues.

(2) The Health Information Technology Fund shall also consist of funds transferred to it from the General Improvement Fund or other funds, gifts, bequests, foundation grants and gifts, Governor's or other emergency funds, federal grants and matching funds, proceeds from bond issues, service charges or fees, interagency transfer of funds, and other funds that may be appropriated by the General Assembly.

(c) The Health Information Technology Fund shall be used by the Office of Health Information Technology for the operating expenses of the Office of Health Information Technology and the State Health Alliance for Records Exchange.

**History.** Acts 2011, No. 891, § 2.

#### **19-5-1245. Arkansas Great Places Program Fund.**

(a) The Department of Arkansas Heritage may establish in a bank authorized to do business in this state and selected by the department a revolving cash fund entitled "Arkansas Great Places Program Fund" into which the department shall deposit all funds received as matching funds from eligible organizations participating in the Arkansas Great Places Program under § 15-11-801 et seq.

(b) The department may receive gifts, grants, bequests, devises, and donations made to the department, amounts received as matching funds from eligible organizations participating in the Arkansas Great Places Program under § 15-11-801 et seq., and any other funds authorized by law to be used in the furtherance of the purposes of the Arkansas Great Places Program under § 15-11-801 et seq.

(c) In addition, the department may accept gifts, grants, or donations from the federal government or agencies thereof, and private individuals, foundations, or concerns to be used for the purposes of the Arkansas Great Places Program under § 15-11-801 et seq.

**History.** Acts 2011, No. 896, § 2.

**19-5-1246. County Juror Reimbursement Fund.**

(a) There is hereby created on the books of the Treasurer of State, Auditor of State, and Chief Fiscal Officer of the State a miscellaneous revenue fund to be known as the "County Juror Reimbursement Fund".

(b) This fund shall consist of those moneys transferred from the State Administration of Justice Fund and other moneys as authorized by law.

(c) The fund shall be used for reimbursements to counties for a portion of the cost of per diem compensation for jurors and prospective jurors pursuant to § 16-34-106.

**History.** Acts 2011, No. 923, § 35.

**19-5-1247. County Voting System Grant Fund. [Effective January 1, 2012.]**

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "County Voting System Grant Fund".

(b) The Secretary of State shall periodically remit to the Treasurer of State twelve dollars (\$12.00) of each fee for filing and indexing the initial financing statement and termination statements collected under § 4-9-525(a)(1), and the Treasurer of State shall deposit those funds into the County Voting System Grant Fund.

(c) The County Voting System Grant Fund shall be used by the Secretary of State to provide grants to counties to purchase voting system equipment, programming, and maintenance.

(d) A county that receives a grant from the County Voting System Grant Fund shall establish on the books of the county treasurer a fund to be known as the "voting system grant fund" into which grants from the Secretary of State shall be paid under this section.

**History.** Acts 2011, No. 1189, § 3.

**Effective Dates.** Acts 2011, No. 1189,  
§ 4: effective on and after Jan. 1, 2012.

**19-5-1248. Electrical Energy Advancement Program Fund.**

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the "Electrical Energy Advancement Program Fund".

(b) The fund shall consist of:

(1) Funds provided by law;

(2) Grants made by any person or federal government agency; and

(3) Other funds that become available through energy programs.

(c) The fund shall be used by the Arkansas Statewide Energy Consortium under the Electrical Energy Advancement Program, § 6-61-1501 et seq., to provide opportunities for Arkansas citizens to legitimately pursue high-technology and knowledge-based jobs in the

electrical energy sector of Arkansas by providing a statewide, collaborative educational system focused on this sector.

**History.** Acts 2011, No. 1232, § 3.

**A.C.R.C. Notes.** Acts 2011, No. 1232, § 1, provided: "(a) The purpose of this subchapter is to provide state support for the Electrical Energy Advancement Program for institutions of higher education. "(b) The General Assembly finds that the Electrical Energy Advancement Program:

"(1) Is identified as a key competency for Arkansas in the Battelle study commissioned by the Arkansas Research Alliance;

"(2) Will focus on education, research, and economic development in the electrical

energy sector to capitalize on one (1) of Arkansas's core technology competencies;

"(3) Is vital to the economic development of Arkansas; and

"(4) Is expected to be a source of tremendous job growth within Arkansas over the next decade."

Acts 2011, No. 1232, § 4, provided: "The provisions of this act shall expire six (6) years from the effective date of the act unless extended by the General Assembly."











